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BUSINESS AND POLITICS: A CRITICAL APPRAISAL OF POLITICAL SCIENCE*

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Yale University

For all the talk and all the public curiosity about the relations between business and politics, there is a remarkable dearth of studies on the subject. What *is* written is more likely to come from the pen of a sociologist, an historian, a lawyer, or an economist than from a political scientist. One would suppose that the role of business, particularly big business, in the political system would be a matter of central concern to political scientists. And so it may be. But those who write about it are men like Adolph Berle, a lawyer, C. Wright Mills, a sociologist, and Robert Brady, an economist; nor can political scientists legitimately lay claim to Peter Drucker, whose professional training and interests in business antedated his academic position as a teacher of political science.

I. INTRODUCTION

Lest it be thought that I have over-stated the point, here is some supporting evidence. During the past fifty years, only about a dozen articles have appeared on the subject of business, in the pages of this REVIEW. In his analysis of articles published in the five general political science journals of this country during the years 1925–29, 1939–41, and 1952–54, Waldo found no articles at all on business in the first period, only two articles in the second, and only nine in the third.[1] If we look at proposed doctoral dissertations, the output is not great. Out of the many thousand dissertation titles listed in this Review in the past 15 years, only 75 deal in any way with business.

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* This paper is one of three prepared at the request of the Ford Foundation Program in Economic Development and Administration. Companion papers are by Paul Lazarsfeld, "Reflections on Business: Consumer and Manager," and Mason Haire, "Psychological Research Problems Relevant to Business and Industry"; these will appear in the *American Journal of Sociology* and the *Psychological Bulletin*, respectively. The aim of the three, covering political science, sociology, and psychology, is to indicate research areas in the social sciences related to problems of business and industry.

[1] The three periods are his. Some additional articles may be concealed under other headings, such as "politics, parties, and pressure groups." Dwight Waldo, *Political Science in the United States of America, A Trend Report* (UNESCO, Paris, 1956), p. 39.

When political scientists do take up their pens to write about business, the chances are that they will concern themselves with the relatively well established field of government regulation in the broad sense. For example, among the 75 dissertation titles there were twice as many in the area of government regulation, control, and administration as in the next most popular field, politics, parties, pressure groups and propaganda.

TABLE I. PROPOSED DISSERTATIONS IN POLITICAL SCIENCE DEALING WITH BUSINESS AND POLITICS, 1942–1958, CLASSIFIED ACCORDING TO SOME OF THE CONVENTIONAL AREAS OF POLITICAL SCIENCE

Area	U. S. n	Foreign n	Total n
Government regulation, admin. & control	18	10	28
Politics, parties, pressures, propaganda	10	3	13
International Relations			
Law: 4			
Politics: 4	*	*	8
Personnel, labor, coll. bargaining	7	—	7
Public policy (assessment)	6	—	6
Public law	5	—	5
Political thought, ideologies	2	—	2
Other	*	*	2
Unclassified	*	*	4
Totals	48	13	75

* Total not properly classifiable in either category.

Doubtless there are many reasons for the paucity of articles and books by political scientists on this topic: traditional conceptions of the subject matter of political science, unfamiliarity with available materials, difficulties in research, and lack of relevant theories to guide research. I am not going to argue that we should all shift our attention forthwith; but I do intend to show that there are some extremely interesting and important topics with varying degrees of relevance to political science as the field is usually defined, to which the political scientist might, with his skills and interests, profitably direct his attention. In this essay, I propose to make a brief survey of the state of our knowledge with respect to four questions:

I. What kinds of political orders are constituted by relations within business firms? How do the orders operate?

II. What kind of a political order is constituted by the relations among business firms? How does the order operate?

III. What are the relations between business and the American political order? (I will also consider under this head some of the relations of American business to international politics.)

IV. What are the general consequences for the political order of the present organization of business in the United States? And conversely? (I will consider under this heading some rather more general questions than those considered under III.)

You will notice that, judged by the usual preoccupations of political scientists, we shall move from the less familiar to the more familiar. Hardly any studies by political scientists bear directly on the first two questions. For that matter, not many deal with the last two either; but these questions, and particularly the fourth, are evidently regarded by most political scientists as relevant to the "discipline." It may be debatable whether "political science" should or should not encompass the first two topics, but I propose to avoid this arid enterprise and content myself instead with indicating briefly how these matters are germane to our understanding of political orders and processes.

II. THE BUSINESS FIRM AS A POLITICAL ORDER

A business firm, like a trade union, religious organization, or state, has a political order. Like the internal "government" of the economic system, the internal government of the firm has been effectively proscribed to the economic theorist and ignored by the political scientist. The "theory of the firm," which has occupied a vast amount of attention among economists, has little to say, except implicitly, about questions of power, influence, sanctions, legitimacy—in short, government.

A number of political theorists have stressed the value of studying the political orders of social organizations other than the state.[2] Most recently, Bertrand de Jouvenel, who is occupied with some of the most ancient, persistent, and imperative problems of political theory, has argued:

> One of the obstructions which has hitherto hindered the development of political science was its limitation to the aggregates called States, which are too long-

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[2] On this point, as on many others, Charles Merriam had many insights and suggestions; *e.g.*, see his *Public and Private Government* (New Haven, 1944). A number of political scientists have examined the internal government of private organizations, though they have not usually paid much attention to the business firm as such. The studies are too numerous to cite here, but of seminal influence are O. Garceau, *The Political Life of the A.M.A.* (Cambridge, 1941) and D. Truman, *The Governmental Process* (New York, 1951), pt. 2. For a recent essay, see G. McConnell, "The Spirit of Private Government," this REVIEW, Vol. 52 (Sept., 1958), pp. 754–770.

lived for any summary comprehension of them to be possible. Just as genetics has greatly gained by the study of heredity as it operates over many generations of short-lived insects, so political science will gain greatly from an ability to work on aggregates that mature quickly; of these, life in society presents instances all around us.[3]

The most explicit exponent of the view that the firm or business enterprise is worth studying as a governmental institution is probably Peter Drucker, who brought to the study of business firms a well established interest in political theory.[4] Aside from his enthusiastic description of the organization of General Motors in *The Concept of the Corporation,* there are remarkably few concrete studies. The most extensive is undoubtedly *Business Leadership in the Large Corporation,* by R. A. Gordon, who pursued a method of analysis with which the political scientist will find little to disagree:

> In a system of delegated power such as is found in the large corporation an analysis of business leadership must deal with three related problems, two of them connected with the process of decision-making. First, where do important business decisions originate? . . . Second, what other persons, if any, veto or approve decisions? . . . Finally, with whom is lodged the coordinating authority for the enterprise as a whole . . . ?[5]

For nearly half a century, observers have called attention to the discrepancy between the formal-legal structure of government in large business corporations and their real constitutions. In the formal-legal structure, control over decisions is a function of ownership. But as early as 1913 the Pujo Committee of the House of Representatives noted that in large corporations with numerous and widely scattered stockholders, "the management is virtually self-perpetuating and is able through the power of patronage, the indifference of stockholders, and other influences to control a majority of the stock."[6] The Committee, which was mainly interested in the influence of bankers, went on to point out that "where representatives of a great banking house are on the board and are financing the corporation and in close relations with the management the policy of the corporation is largely determined by the bankers where they choose to assume that responsibility." This view of the locus of power in the corporation was a dominant one until quite recently. In 1927 it was reiterated by William Z. Ripley, a professor of political economy at Harvard, in his *Main Street and Wall Street.*[7] Meanwhile, A. A. Berle, then a young member of the New York bar, had been developing a parallel but more comprehensive argument in journal articles; the book he subsequently wrote with Gardner Means, an economist, has long since taken its place as one of the minor classics of social analysis.[8]

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[3] *Sovereignty, An Inquiry into the Political Good* (Chicago, 1957), p. 25.

[4] *E.g.*, P. F. Drucker, *The New Society, the Anatomy of the Industrial Order* (New York, 1949), p. 44 and passim. In 1943, Drucker—then teaching political theory at Bennington College—was invited by General Motors "to study and to report on its managerial policies and organization from the standpoint of an outside consultant, in which capacity (he) served for eighteen months." Out of this experience came *The Concept of the Corporation* (New York, 1946), from which the quotation is taken, at page viii. Most recently, he has written a kind of handbook for executives, *The Practise of Management* (New York, 1954). His first book, *The End of Economic Man* (London, 1940) was, despite the title, essentially a work in political theory, for it was an analysis of the rise of irrational behavior in the form of totalitarianism.

[5] Washington, 1945, pp. 57–8.

[6] U. S. Congress, House of Representatives, Report of the Committee Appointed Pursuant to House Resolutions 429 and 504 to Investigate the Concentration of Control of Money and Credit, 62d Congress, 2d Session, Feb. 28, 1913, p. 147.

Gordon's study, however, marks an important refinement in the evolution of these interpretations, for where the earlier works had stressed the domination of directors and management over stockholders, or of bankers over directors and management, Gordon showed that control over decisions had come to rest even more narrowly: with management. Not only do chief executives generally dominate over their boards of directors, even to the point where executives select their own directors rather than the other way around; but the process of bureaucratization has gone so far, in Gordon's view, that on many important questions the final decisions do not even lie with the chief executives but with the professional bureaucracies of the corporation. Gordon also found that: (1) Salaried executives make up a large proportion of the membership of boards of directors of their own companies. (On 35 of 155 giant corporations analysed, executives constituted at least 50 percent of the board.) (2) In contrast to the earlier findings of the Pujo committee, the importance of outside influences such as bankers and minority blocks of stockholdings had dwindled relatively, in part because of the greater availability of other sources of corporate capital, but in part also because of the high degree of professionalization and executive autonomy in the government of the corporation. And (3) committee decision-making had grown, while the old-fashioned lone-wolf entrepreneurial figure had all but disappeared.[9]

Although there have been no subsequent studies as extensive and careful as Gordon's, some corroborative material exists. In 1953 T. K. Quinn, a one-time vice president of General Electric, wrote a volume of reminiscences and observations valuable chiefly because Quinn is one of the very few "insiders" who have been moved to write critically about their own firms. On the subject of directors, he wrote:

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[7] New York, 1927, ch. 4 and passim.

[8] *The Modern Corporation and Private Property* (New York, 1932).

[9] Gordon, *op. cit.*, pp. 71–3, 75–7, 80–1, 91, 99, 105–7, 119, 122, 131–5.

> In General Electric the election of directors was only formalized at stockholders' meetings. The directors were in every case selected by the officers, who in turn always voted to perpetuate the officers. We had then, in effect, a huge economic state governed by nonelected, self-perpetuating officers and directors—the direct opposite of the democratic method. I am not condemning anyone but simply explaining a system, quite generally effective, which has grown up around us.
>
> The fewer the men in control of a giant corporation, the narrower the field of selection for officers and directors. I recall a discussion with the President of General Electric one time when one of our directors had resigned and another had died. There were two vacancies to fill, and the question was whom to "elect." The selections were finally made largely on the basis of appearances. We did consider how helpful they might be in influencing business our way, but in general what was wanted was a board that would look well on paper. So far as the operation of the business was concerned, they were mere figureheads anyway. Vice-presidents, who were supposed to be elected by the board of directors, were always named by the President. In every instance the figurehead board were "good boys" and endorsed the selections with their votes.[10]

In 1947, M. T. Copeland and A. Towl of the Harvard Graduate School of Business wrote a volume that emphasized, far more than Gordon had, the importance of the directors. But a careful reading of their book suggests that the influence on decisions that directors *should* and might exert (in the view of the authors) is very different from what they actually *do* exert. For their case studies indicate that it is mainly when a chief executive dies without having chosen a successor, or when the corporation is in a severe crisis, that directors can successfully interpose their influence; or for that matter are even disposed to.[11]

Gordon's view of the government of the large corporation suggests some highly significant questions. First, there is the empirical question whether many large corporations actually approximate his description. Berle evidently continues to adhere to his earlier view that control over any decision lies mainly with the directors.[12]

[10] T. K. Quinn, *Giant Business: Threat to Democracy* (New York, 1953) p. 145.

[11] M. T. Copeland and A. Towl, *The Board of Directors and Business Management* (Boston 1947), esp. pp. 33–6, 42–3, 52–7, 65–6, and 71–2.

[12] "The control system in today's corporations, when it does not lie solely in the directors as in the American Telephone and Telegraph Company, lies in a combination of the directors of a so-called control bloc (a misnomer, incidentally) plus the directors themselves. For practical purposes, therefore, the control or power element in most large corporations rests in its group of directors and it is autonomous—or autonomous if taken together with a control bloc. And inheritance-tax distribution of stock being what it is, the trend is increasingly to management autonomy. This is a self-perpetuating oligarchy."

Second, on either view the existence of such a high degree of autonomy in corporate decisions poses serious problems of public policy. Are the controls over the corporation exerted through the operation of the price system adequate, or should they be supplemented by additional controls of some sort? The answer will depend in part, of course, upon one's assessment of the strength of price system controls; and here the relevance of the classic competitive model is dubious—yet there seems to be no useful alternative model. If one were to opt for additional public controls, what would be necessary to make these controls effective? Here one's answer might depend on whether one accepts Gordon's view or Berle's. On either view, the belief that the "power" of businessmen would be tamed by professionalization of business management, which seemed so hopeful to critics as various as Tawney, Brandeis, and Follett, is scarcely justified; for with a speed that these reformers could hardly have anticipated, professionalization is being achieved. But if the means they advocated are now commonplace, it is doubtful whether Tawney and Brandeis would agree that the *ends* they were seeking by professionalization have been reached.[13]

In the third place, the governmental structure of the modern corporation as viewed by Gordon has some remarkable parallels (and some interesting differences) with other bureaucracies, including governmental ones. For the general analysis of bureaucracy and for organization theory the study of the modern corporation is invaluable. Students of bureaucracy who follow the path marked out by Max Weber frequently stress the essential similarity in the main features of both governmental and "private" bureaucracies; students of public administration are much more prone to emphasize the peculiar features of governmental bureaucracies. The two emphases are not necessarily inconsistent. But they cannot be integrated into a more comprehensive theory of bureaucratic

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Economic Power and the Free Society, A Preliminary Discussion of the Corporation (The Fund for the Republic, New York, 1958), p. 10. Berle's pamphlet is one of three published so far under the auspices of the Fund for the Republic and its panel of consultants—of whom Berle is one—on "The Problems of the Free Society." The other pamphlets are: Scott Buchanan (also a consultant), *The Corporation and the Republic* (New York, 1958), and Andrew Hacker, *Politics and the Corporation* (New York, 1958).

[13] To a remarkable degree, the objectives set out by R. H. Tawney in *The Acquisitive Society* (New York, 1920) are attained by the modern corporation. Property owners no longer exert much influence on the conduct of business; responsibility rests upon those by whom the work is conducted; and management has become a profession. But while the forms advocated by Tawney are more nearly here than a Fabian socialist could have thought likely in so short a time, Tawney would doubtless object that the spirit of the acquisitive society remains unchanged. (*Cf.* particularly his comments on pp. 96–7, and ch. 7, passim.) For Brandeis' view, see L. D. Brandeis, *Business—A Profession* (Boston, 1914), pp. 1–12. *Cf.* also Mary Parker Follett, *Dynamic Administration* (New York & London, 1942).

organizations without systematic efforts to study and compare both kinds.

It is altogether possible, in fact, that the "public-private" dichotomy will prove to be less fruitful than a classification based upon a more complicated set of variables. For the study of bureaucracy is perhaps a special case of organization theory, to the recent growth of which H. A. Simon and J. G. March (both originally trained as political scientists) have greatly contributed. Simon's now classic *Administrative Behavior* cuts across the public-private distinction, as does the impressive new March-Simon work, *Organizations*.[14]

The internal government of the corporation, finally, has some bearing on the "power-structure" of the United States. A common populist and leftist view holds that politics is dominated by business, and business is dominated by an interlocking elite of financiers and directors. But Gordon's research casts doubt on the whole idea of effective control by interlocking directorates, and specifically by financial blocs. If corporate executives are controlled at all, it must be by price-cost considerations, monopolistic competition, professionalism, law, conscience, and so on. They are not, at any rate, controlled very extensively by their directors; at least this would be the conclusion to draw from Gordon's study.

Is the government of a corporation actually accessible to political scientists? There is some evidence that access may not be nearly so formidable as one imagines. March and R. Cyert, an economist, are currently studying a handful of businesses in the Pittsburgh area in an attempt to construct models for decision-making that will forecast the behavior of business firms more reliably than those derived from the theory of the firm. Using data drawn from interviews and company records, March and Cyert attempt to "program" actual business decisions on a high-speed computer in order to compare the decision specified by their model with the decision made by the firm. The high-speed computer is, in effect, treated as decision-maker. The aim is not to substitute computers for business firms, but to develop and test models with high predictive value. The researchers make clear to the firms they study that no practical pay-off in improved procedures is in sight; but despite this, the firms have, so far, been remarkably cooperative in facilitating the investigation.[15]

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[14] H. A. Simon, *Administrative Behavior* (New York, 1947); J. G. March and H. A. Simon, (with the collaboration of H. Guetzkow), *Organizations* (New York, 1958).

[15] These studies are not yet published. However, *cf.* R. M. Cyert and J. G. March, "Organizational Structure and Pricing Behavior in an Oligopolistic Market," *American Economic Review*, Vol. 45 (March, 1955), pp. 129–39; *ibid*, "Organizational Factors in the Theory of Oligopoly," *Quarterly Journal of Economics*, Vol. 70 (Feb., 1956), pp. 44–64; R. M. Cyert, H. A. Simon and D. B. Trow, "Observation of a Business Decision," *Journal of Business*, Vol. 29 (Oct., 1956), pp. 237–48.

Recent improvements in techniques for studying influence, resulting from the work of a number of political scientists engaged in studying community "power-structures," could be carried over almost intact to studies of the internal government of business firms. It will be ironic indeed if other social scientists transform themselves into political scientists, so to speak, in order to do the job that political scientists are not now doing.

III. BUSINESS RELATIONS AS A POLITICAL ORDER

Every organized system of relations has its economic aspects and its political aspects. That these have come to be treated in separate disciplines between which there is astonishingly little intellectual exchange is a fact frequently observed over a long period of time, and almost as frequently deplored. But the separation is still a fact. In defining what he means by the economic aspects of social organization, the economist customarily ignores "influence" and "power" as explicit categories; but because economic theory seeks to describe an aspect of organized relationships existing in a well developed social order, implicit in every economic theory are some assumptions about influence relations. The model of a competitive price mechanism in a system of private property relations can easily be interpreted as an *explicit* description (in a language that can be translated into the language of politics) of the internal government of a particular economic order, or as a set of influence relations among actors within the economic order; and as an *implicit* description of certain relations existing among governmental officials and business men. But the explicit description is rarely translated into political language; and the implicit description generally remains implicit. Consequently a no-man's land has grown up between economics and political science. One can debate whether this no-man's land should be occupied by the discipline now called economics or the discipline now called political science; but it is difficult to argue persuasively that it should not be occupied at all by the social sciences.

The typical economist so conceives of his field of inquiry that when he employs his formal theoretical apparatus, he is not normally compelled to explicate many assumptions about the political aspects of the social system. The political theorist, by contrast, has historically found it difficult to ignore the economic aspects of the social system. For he has generally taken it for granted that different economic orders will have very significant effects for the distribution of influence over decisions in the "political" order.

Since the economist has a body of theory at hand, it might seem efficient for the political theorist to use the economist's models of different economic orders in order to provide himself with some relevant starting points. When he turns to economic theory, the political theorist does indeed discover an elaborately worked out model of a competitive price system embedded in what is surely one of the most, if not *the* most, complex, rigorous and intellectually demanding bodies of theory in the whole domain of the social sciences. But the model, for all its elegance, has only a restricted utility for a political scientist concerned with modern economic orders as complex and different as those of the USSR, the United States, and Indonesia. Even within the limited view assumed in this paper—American business and the American social system—the relations among giant firms like Dupont and General Motors raise immediate and obvious questions that are not dealt with by the existing models of economic theory.

Their relations do, on the other hand, have much in common with relations among states pursuing international strategies, invoking threats, penalties and rewards, engaging in negotiations and bargains, using propaganda and persuasion, seeking allies, and so on. There are also similarities with other forms of political rivalry and negotiation, such as conflict and compromise among leaders of political parties.

Economists have sometimes tried to break the grip of the competitive model. And in some of their descriptive writing on monopolies (where the theoretical biases of the economists have been curbed somewhat by the natural empiricism of lawyers), they seem to have succeeded. A large number of careful studies of the behavior of a particular firm, combination, industry, or segment of the economy display the spirit of critical empirical inquiry that guided the approach of earlier economists like J. M. Clark and Walton Hamilton. But in creating new theory to fit their descriptions, they do not seem to have been very successful, and possibly for good reasons. Veblen's iconoclastic *The Theory of Business Enterprise* (1904) seems to have had little impact on economic theory and perhaps even less on political science. Brady, in his *Business As A System of Power* (New York, 1943) is concerned with precisely the kind of question political scientists would like to see treated; but he seems to have been so anxious to demonstrate that the United States was well on the way to Fascism that his treatment of the evidence is uncritical and at times even highly dubious. Theories of monopolistic competition have enabled economists to attack a new problem with relatively familiar weapons—but the fortress does not appear to have been taken. In any case, the *theoretical* writings on monopolistic competition and oligopoly (as distinct from the descriptive ones) are preoccupied with problems that are of only secondary interest to a political scientist.

Consequently a pressing need for new theory has developed. One new, relevant model would, at the moment, be worth a million facts; for until one or more relevant models is developed, it is difficult to know how additional facts can explain anything.

In such a situation, it is all too inviting to say that political science has much to offer. But it is precisely on questions of this kind that political theory is most primitive. The relations among large business firms, to be sure, might be subsumed under a general theory of bargaining. But political scientists have never produced a general theory of bargaining.

There are, however, some promising beginnings. The study of international politics includes the analysis of bargaining relations, and a few efforts have been made toward a general theory.[16] A new journal, *Conflict Resolution,* appeared in 1957; it has already published a considerable number of articles that at the very least must be considered as fragments of a possible general theory.[17] Relations among political leaders and parties are, of course, extensively described in the literature; and a number of writers have tried to explicate a theory to encompass these relations.[18] Economists have also been drawn into the search for an adequate theory. The older school of "institutional" economists led by John R. Commons was deeply interested in collective bargaining; Commons himself attempted to work out a general theory that would include bargaining relationships of many kinds.[19] Much later, J. K. Galbraith popularized the notion of "countervailing power," without, however, refining his theory very far.[20] N. Chamberlain has sought to explain by a bargaining theory many of the relationships ordinarily treated in conventional economic theory.[21] In a monograph for the RAND Corporation, C. E. Lindblom set out an interpretation of bargaining as a generalized decision-process in politics and economics.[22] Some economists have been tempted by the theory of games developed by J. von Neuman and O. Morgenstern (himself an econom st); probably the most elaborate exploitation of this lead by an econoimist is M.

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[16] *Cf.* especially, M. Kaplan, *System and Process in International Politics,* (New York, 1957).

[17] *E.g.*, R. W. Mack and R. C. Snyder, "The Analysis of Social Conflict—Toward an Overview and Synthesis," vol. I (June, 1957), pp. 212–47; H. Guetzkow, "Isolation and Collaboration: A Partial Theory of International Relations," Vol. I (March, 1957), pp. 48–68.

[18] *E.g.*, Truman, *op. cit.;* E. Latham, *The Group Basis of Politics: A Study in Basing Point Legislation* (Ithaca, 1952); R. Dahl and C. Lindblom, *Politics, Economics and Welfare* (New York, 1953), chs. 12, 13; and 17.

[19] *The Economics of Collective Action* (New York, 1950).

[20] *American Capitalism: The Concept of Countervailing Power* (Boston, 1952).

[21] *A General Theory of Economic Process* (New York, 1955).

[22] *Bargaining: The Hidden Hand of Government* (RAND, Research memorandum RM-1434-RC, 1955); see also his "Policy Analysis," *American Economic Review*, Vol. 48 (June, 1958), pp. 298–312.

Shubik's study of competition and oligopoly, which uses the theory of games for its central theoretical apparatus.[23] Others have, however, rejected the game-theoretical approach as inadequate not only for relations among business firms but for most bargaining relationships, including, for example, those of international politics; thus Schelling appears to be in the process of creating a theoretical framework that may have some of the rigor of games theory and more relevance.[24] There is, then, a good deal of ferment; and it is reasonable to suppose that the problem of creating an adequate theory or set of theories about bargaining relationships will be attacked with much more vigor in the immediate future than it has been until very recently.

The extent to which contemporary social theory is intellectually stunted when it seeks to deal with the relations of giant business firms is a special case of a much vaster problem, one that I can only allude to here. It is not excessively wide of the mark to say that there is no theoretical apparatus powerful enough to provide even moderately useful answers to a very large number—quite possibly most—of the questions generated by the diversity and complexity of contemporary economic orders. And it is exceedingly doubtful whether theory adequate to the task can be developed by economists, except in so far as they concern themselves with the political aspects of social relations,[25] or by political scientists except in so far as they concern themselves with economic aspects. Indeed, it is altogether plausible that the existing division of labor within the social sciences as a whole is working strongly against the development of the kind of theory that is most needed.

IV. BUSINESS AND THE AMERICAN POLITICAL ORDER

The general state of the discipline. The task of tracing out past manifestations of the relations between businessmen and the political order has been left mostly to historians.[26] It is at least arguable that with the kinds of data available the questions a political scientist might like to put cannot be answered anyway. But surely this is a premature conclusion. In general when skillful social scientists turn their scholarly attention to historical problems, they manage to ask new questions and get new answers.[27]

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[23] *Competition, Oligopoly, and The Theory of Games* (Princeton, 1958). One should also consult H. Raiffa and D. Luce, *Games and Decisions* (New York, 1957), ch. 6, "Two-Person Cooperative Games;" J. F. Nash, "The Bargaining Problem," *Econometrica*, Vol. 18 (April, 1950), pp. 155–62; J. Pen, "A General Theory of Bargaining," *American Economic Review*, Vol. 42 (March, 1952). For a summary and synthesis, see Allan Cartter, *Theory of Wages and Employment* (New York, 1959), pp. 24–42.

[24] T. C. Schelling, "An Essay on Bargaining," *American Economic Review*, Vol. 46 (June, 1956), pp. 281–306; "Bargaining, Communication, and Limited War," *Conflict Resolution*, Vol. 1 (Mar., 1957), pp. 19–36.

[25] This view is shared by a number of economists; e.g., Arthur Ross, in *Trade Union Wage Policy* (Berkeley, 1956) concludes that unions must be considered essentially as political organizations.

[26] *E.g.*, Miriam Beard, *A History of the Businessman* (New York, 1938); A. M. Schlesinger, Sr., *Colonial Merchants of the Revolution* (New York, 1917); R. A. East, *Business Enterprise in the American Revolutionary Era* (New York, 1938); T. C. Cockran and W. Miller, *The Age of Enterprise* (New York, 1942).

But even on the relations between business and the existing political order, the subject is in a curiously incomplete state. In the late 1920s and early 1930s some pioneering work was undertaken; and if this work has, by now, been pretty thoroughly assimilated into the main body of American political science, its specific concerns have not, by and large, been pursued. In that period the older legalistic and institutional view of political activity was breaking up under the impact of the new realism offered by men like Charles Merriam; Bentley and his group interpretation of politics were having a belated effect on the thinking of the *avant garde;* and pluralistic ideas had moved across the Atlantic to find a ready reception in the United States. In 1921, F. W. Coker's, "The Technique of the Pluralistic State" appeared in this REVIEW.[28] In 1929, E. P. Herring's pioneering work, *Group Representation Before Congress,* embodied many of the new ways of interpreting politics.[29] In the following year, H. L. Childs' study of the American Federation of Labor and the U. S. Chamber of Commerce appeared; it carried a preface by Merriam and an acknowledgment by Childs of his debt to Merriam and also to Coker. Although somewhat pedestrian in execution, the book was thoroughly in the new spirit; it concluded with the observation: "Periodic elections are turning into periodic competitions between personalities, while the day-to-day process of governing a great nation turns into a continuous balancing of pressing interests of more and more highly perfected organized group interests." (p. 260). Later E. E. Schattschneider undertook his now classic study of the pressures on

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[27] As evidence, I would offer L. Hartz, *Economic Policy and Democratic Thought: Pennsylvania, 1776–1860* (Cambridge, 1948); L. D. White, *The Federalists 1789–1801* (New York, 1948) and the three succeeding volumes in his administrative history; M. J. Dauer, *The Adams Federalists* (Baltimore, 1953).

[28] Vol. 15 (May, 1921), pp. 186–214. *Cf.* also M. P. Follett, *The New State* (New York, 1918) and E. D. Ellis, "The Pluralistic State," this REVIEW, Vol. 14 (August, 1920), pp. 393–407.

[29] Baltimore, 1929. His *Public Administration and the Public Interest,* which reflects a similar approach, appeared seven years later (New York, 1936). Concern with pressure groups and lobbying has remained at a fairly high level. For example, B. Zeller, *Pressure Politics in New York* (New York, 1937); D. D. McKean, *Pressures on the Legislature of New Jersey* (New York, 1938); D. C. Blaisdell, *Economic Power and Political Pressures* (T.N.E.C. Monograph No. 26, Washington, 1941); *Unofficial Government: Pressure Groups and Lobbies,* D. C. Blaisdell ed., *The Annals,* Vol. 319 (Sept., 1958). That the concern with "interest groups" and "pressures" is no longer an American hobby is indicated by the recent publication of *Interest Groups on Four Continents,* H. W. Ehrmann, ed. (Pittsburgh, 1958).

Congress during the Smoot-Hawley tariff controversy of 1929–1930; the book appeared in 1935.[30]

From that time forward there has been no equivalent period of innovation and regeneration. V. O. Key's textbook on political parties appeared in 1942 with a section on business as a pressure group that has been modified and carried through each succeeding edition. It is a remarkably succinct and comprehensive discussion of the major aspects of business-in-politics; one might reasonably have expected it to stimulate considerable research interest among its many readers.[31]

Latham's detailed examination of the fate of basing-point legislation in Congress appeared in book form in 1952,[32] followed two years later by a shorter case study by Garceau and Silverman dealing with the activities of the Associated Industries of Vermont in the 1951 session of the Vermont legislature.[33] The casebook edited by Harold Stein, *Public Administration and Policy Formation* (New York, 1952) and the ICP series that followed have some significant cases involving the relations of business and government. Doubtless one could cite other items; but what is surprising is the extent to which the earlier interest seems to have tapered off.[34]

What seems to have happened is that the Great Depression and the New Deal turned the attention of political scientists away from explaining behavior to prescribing policy. Significantly, the first of the Harvard series entitled *Public Policy* appeared in 1940; it reflects the newer concern with reform and regulation. The study of government regulation, to which I have already alluded, now began to thrive. However, many of the political scientists who occupied themselves with regulation were primarily concerned with administrative activities rather than "politics" (if I may be permitted a distinction that is widely regarded as *passé*, and may therefore be due for revival); and the kind of inquiry begun by Herring and Schattschneider was not carried forward. It may be, too, that the sort of clinical detachment that would enable the observer to put his moral commitments about "business" to one side long enough to observe the underlying forces at work was impossible in the temper of the Thirties and the crisis of War.

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[30] *Politics, Pressures and the Tariff* (New York, 1935). A more recent analysis of business attitudes on the tariff reveals a striking reversal of opinion since the days of Smoot-Hawley, *Cf.* R. A. Bauer, S. Keller, and I. de S. Pool, *What American Trade Policy Does American Business Want?* (Center for International Studies, M.I.T., Cambridge, 1955). Bauer and de S. Pool also have a forthcoming book, *American Businessmen and International Trade: Code Book and Data from a Study on Attitudes and Communications* (Glencoe, 1959).

[31] *Politics, Parties, and Pressure Groups* (New York, 1958, 4th ed.), ch. 4.

[32] E. Latham, *The Group Basis of Politics, A Study in Basing Point Legislation* (Ithaca, 1952). Latham has a forthcoming volume, *The Politics of Railroad Coordination*, 1933–1936 (Cambridge, 1959), and an essay, "The Body Politic of the Corporation" (to be published by the Fund for the Republic under the editorship of Edward S. Mason).

[33] O. Garceau and C. Silverman, "A Pressure Group and the Pressured: a Case Report," this REVIEW, Vol. 48 (September, 1954) pp. 672–91.

[34] Among the exceptions: J. W. Prothro, *The Dollar Decade, Business Ideas in the 1920's* (Baton Rouge, 1954); J. Palamountain, *The Politics of Distribution* (Cambridge, 1955); R. W. Gable, "NAM: Influential Lobby or Kiss of Death?" *The Journal of Politics*, Vol. 15 (May 1953).

It may be possible now to pick up where the earlier writers left off, or even to start with newer insights and ideas. Lane's *The Regulation of Businessmen*, which appeared in 1954, presented a psycho-cultural interpretation of the problems of regulation that displays the kind of ferment of new ideas that marked the work of the earlier period.[35]

The factors to be considered. We are in the position, then, of having made a good start, even an exciting start. But we are hardly set for the long pull. Let me now consider very briefly some factors relevant to the problem of assessing the political roles of business in the contemporary order. I shall then undertake to examine what has been done, and what needs to be done, under these heads.

To the extent that one is concerned with relations of influence, the following questions need to be answered:

(1) What distinctions shall one make among the individuals or groups under investigation? "Business" is, after all, as various a phenomenon as "politics"; and taken simply in the large it may prove to have almost no meaning at all.

(2) What is the *basis* of the influence of one actor on another? That is, what kinds of resources are available to him for influencing the other?

(3) How does he actually use these resources, if at all? What are his *techniques?*

(4) In what parts of the political order does he employ these techniques? What is the political space or *arena* within which the influence relationship exists?

(5) On what kinds of matters, subjects, or responses? What is the *scope* of the relationship?

(6) How great an effect do the techniques actually have? How successful is the effort to exert influence? Or, in other words, what is the *magnitude* of the influence?

In addition to these six elements, which help to make precise any statements one might care to make about the influence of businessmen on politicians and bureaucrats, or of politicians and bureaucrats on businessmen, one might wish to answer some other questions in order to assess the political roles of businessmen. For example:

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[35] New Haven, 1954.

(7) What kinds of *motives* help to explain the political roles of businessmen? *E.g.*, what are the motivations of businessmen in their political relationships?

(8) What *attitudes*—their own or those of others—are involved in political relationships?

(9) What *ideologies*, comprehensive outlooks, or underlying structures of attitudes are at work?

The remainder of this section of my paper will consist, then, of a brief examination of the present state of our knowledge with respect to each of these questions, and the problems and possibilities of further inquiry.

Distinctions among businessmen. Differences in the political behavior of businessmen may be almost as significant as similarities. "Aims of different elements of the business community often diverge," Key writes. "Yet it cannot be denied that on some types of questions considerable cohesiveness prevails within the business community . . . . On all these matters investigation and discerning reflection are limited enough to leave us with wide areas of ignorance."[36]

It is a plausible and commonplace hypothesis that in some respects the political behavior of businessmen is a function of the size of the firm. The social, psychological and economic environment of the small businessman is often thought to be more conducive to extremism and intolerance than the bureaucratized and technical setting of the big businessman. But there is slight evidence on the point. In sample surveys the numbers of businessmen interviewed are usually too small to permit distinctions; consequently differences in attitudes that might be associated with size of business firms are left unexplained or are attributed to other factors, such as education.[37] Thus Stouffer's study of attitudes toward Communists and other dissenters reveals wide differences between well educated and poorly educated businessmen; but there are no breakdowns according to size of firm—and it is more than likely that size of firm and extent of education are highly associated.[38] However, in a study of support for McCarthy and political tolerance in Bennington, Vt., Trow found the expected relation. Surprisingly enough, when education is held constant, he found very little difference between the attitude of manual workers and middle class people on freedom of speech and McCarthy's methods. But within the middle class itself, the salaried employees and small entrepreneurs were not only different in social origins and educational attainments but in their political orientations as well. Only a third of the small businessmen and merchants had gone to college, compared with half of the salaried employees. Taking only the high school gradutes, or only those who had gone to college, the proportion who supported McCarthy was very much larger for small businessmen than for salaried employees. He found, moreover, that the small businessmen were also more hostile toward big business and labor unions than the salaried employees (again with education held constant).[39]

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[36] V. O. Key, *op. cit.*, 3d ed. (New York, 1952) p. 118.

[37] The study by Bauer, Keller, and Pool, *supra*, n. 30, is an important exception.

[38] *Cf.* "The Businessman and Civil Liberties," *Fortune*, May, 1955, pp. 114–15. These data in *Fortune* were a part of a larger study, but were omitted from the book, *Communism, Conformity, and Civil Liberties*, (New York, 1955).

One would also expect political behavior to vary with certain other characteristics of the firm, such as its geographical location, sources of supplies, markets, vulnerability to competition, and so on. Examples are easily found to underscore the point. Thus, at one time the opposition of the importer to tariffs was "taken for granted [in Congress], discounted in advance, and . . . heard . . . with irritation."[40] The situation has probably changed a good deal in three decades.[41] Or, to take another case, the growing foreign market for American automobiles is thought to account for the recent support given to reciprocal trade agreements by some leading automotive manufacturers. (What the growth in the American market for foreign cars will do remains to be seen.) Or again, because of the peculiar importance of state and federal regulatory bodies in the lives of public utilities, some of them have invested heavily in the art of influencing public opinion; the president of the Bell System was aware of the need for public support as early as 1913.[42]

It is important, too, to distinguish businessmen who are relatively active in politics from those who are not. It is possible that demographic variables together with the character of business firms will account for much of the variation in the political behavior of businessmen. But almost certainly these factors will not account for anything like *all* of the variation; they may not even account for enough of it to assure us that we are on the right track. Some businessmen (not many) are relatively active in politics; a great many others are not. How can we account for the difference? A neo-Marxist explanation would have it that some businessmen serve as the specialized representatives of the entire business community; and there is a rough and ready sense in which this may indeed be the case. But the explanation does not fit well with the heterogeneity of the business community; in any case, the proposition is no more than an extremely general hypothesis with only superficial plausibility. As Schattschneider concluded from his study of the tariff fight of 1929–1930, "Contrary to facile assumptions, economic interests . . . are not universally active in promoting their interests in politics. . . . The political activity of economic groups seems . . . to be no more uniform than it is universal. Apparently, equal stakes do not produce equal pressures."[43]

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[39] Martin Trow, *Support for McCarthy and Political Tolerance in a New England Town* (Mimeo, 1956), ch. II, "Class and Occupation."

[40] Schattschneider, *op. cit.*, pp. 159 ff.

[41] See L. A. Dexter, "Congressmen and the People they Listen To" (Mimeo, 1955).

[42] Norton Long, "Public Relations of the Bell System," *Public Opinion Quarterly* (Oct., 1937) p. 18.

The various bases and techniques of influence. It is conventional to assume that if businessmen—some businessmen—have influence over political decisions rather greater than that of the mythical average citizen, the basis of their enhanced influence is their larger wealth and income, in short, their "money." For techniques of influence are usually expensive. The more money one can dispose of—to put the matter in very general fashion—the more one has available to spend on techniques of influence.

It might be wise at this juncture to make a distinction between techniques of direct influence over policy-makers, such as campaign contributions and lobbying, and techniques of indirect influence. Thanks to the assiduous work of some Congressional committees, Louise Overacker, and Alexander Heard, the subject of campaign contributions has been rather thoroughly worked over (although only a part of Heard's work has yet been published). There is also a considerable body of material on lobbying, much of which deals with lobbying by business organizations. Most of this work on campaign contributions and lobbying is, of course, well known to political scientists.[44]

Yet while we know a satisfying amount about the techniques, we know very little about how successful they are. The problem of estimating magnitudes of influence is a formidable one; it is probably not too harsh to say that all we have at present are very detailed and conscientious studies of techniques and very little worthwhile evidence bearing on their success.

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[43] *Op. cit.*, p. 163.

[44] On campaign contributions see Louise Overacker, *Presidential Campaign Funds* (Boston, 1946), *Money in Elections* (New York, 1932) and numerous articles in this REVIEW; J. K. Pollock, *Party Campaign Funds* (New York, 1926); U. S. Senate, 84th Cong., 2d sess., Hearings on 1956 Presidential and Senatorial Campaign Practices (1956); and 1956 General Election Campaigns (1957); A. Heard, *Money and Politics* (Washington, 1956); his forthcoming work is entitled *The Costs of Democracy*. On lobbying, *cf.* ch. 6 of Key, *op. cit.*, (4th. ed.) and passim.

In addition to the techniques that depend mainly on "money" are those that depend on "organization." In making his case for the "power elite" of big business executives, government executives, and military leaders, Mills speaks of "institutional means of power" and "the command posts": the key positions at the head of key organizations. We are informed that the members of his tripartite elite occupy "the command posts of the big hierarchies" ("nation-wide hierarchies of power and wealth").[45] But unless I have quite thoroughly misread him, Mills does not attempt to show at all precisely *how* these organizational hierarchies convey power, nor how *much* power they convey. One is left with the impression that Mills has displayed a good deal of useful information about some elite groups; but whether they are elites of *power* is quite another question. Whatever one may conclude about Mills' general thesis, however, there can be no doubt that he has pointed to a possible basis of influence in organizational structures which needs to be thoroughly investigated and analyzed.

One source of influence that may be undergoing some significant changes is control over employment within a firm. Until a few decades ago, control over employment probably gave the business leader considerably more influence over the overt political behavior of the worker than it does now. Paradoxically, as firms have grown bigger they have found it more difficult to exploit the employment relationship as a lever to control the political conduct of their workers. The old fashioned company town has become much less common. In the giant firms, the worker is usually protected by trade unions; and even where unions are absent, bureaucratization, impersonality, and modern personnel practices have generally replaced direct intervention into the workers' life. Many large firms propagandize their workers through company brochures and house organs, but the effects are difficult to estimate. Occasionally a firm will successfully stimulate its employees to "bring pressure" on public officials where some matter of common economic interest is involved; probably the threat of foreign competition to a protected industry offers the firmest grounds for political unity between management and workers. The techniques of "pressure" are almost invariably the conventional ones: writing letters or sending telegrams, usually with a common phrasing and style that betrays their inspiration;

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[45] C. W. Mills, *The Power Elite* (New York, 1956), pp. 23–71 and *passim*. The idea may have been suggested by Karl Mannheim, who in his *Man and Society in an Age of Reconstruction* (London, 1940) spoke of "key positions" in a rather similar sense (pp. 153–4, 194, 202, 231, 363). It is significant that under the influence of the benign political institutions of Great Britain, Mannheim pretty much left these earlier views behind in his *Freedom, Power and Democratic Planning* (New York, 1950).

occasionally, however, a firm will encourage its employees to call on their Congressmen whenever the opportunity arises.

But there are three important respects in which one must qualify the hypothesis that employees have grown politically more independent of their employing firms in recent years. In the first place, the rapid expansion of "security" tests for employees in firms that that have even the slightest connection with national defense has put an exceptionally powerful means into the hands of employers; and it is a means that until the present remains virtually unregulated by public authorities.[46] In the second place, the mushrooming of welfare funds and pension trust funds has created vast new opportunities for control. Of the welfare funds administered by trade unions, we have recently heard a great deal by virtue of Congressional exposes. But much less is known about the power over employees provided by pension funds. Berle writes:

> There is a gradually growing feeling that pension trusts, for example, must be controlled. A pension trust ring could be something to bind a man beyond belief. It could bind him to his job. He could not change it without losing a substantial part of his life savings. He might be controlled in all sorts of ways. We are beginning to think even that the pension trust right which cannot be transferred to some other pension trust is suspect.[47]

In the third place, if (despite these two additional factors) workers have grown more independent, it seems altogether likely that executives and white collar workers have grown more docile. From workers, "the company" formerly secured an unwilling and overt compliance that could not endure once the balance of power shifted slightly. From executives and office employees, the compliance is evidently willing and even enthusiastic. Whyte's thesis on the rise of the organization man is too well known to need repetition here, but it is obvious that the existence of a broad layer of politically docile corporate executives and white collar workers could have profound consequences for the operation of the political system.[48]

On none of these questions is there much evidence one way or another. Nor are we better off when we turn to specific political activities of businessmen. Like upper socio-economic groups generally, their level of political activity as expressed in voting, campaign contributions, and political work is considerably above average; but the great bulk evidently content themselves with voting and discussing politics.[49] In his study of the social backgrounds of political decision-makers, Mathews found that "proprietors and officials" constituted between a fifth and a fourth of state legislators, state governors, Congressmen, Senators, and Presidents, vice-presidents, and cabinet members for various recent periods; the category was represented at a rate about three times its frequency in the labor force.[50] But again the category "proprietors and officials" is very broad; more detailed studies would be needed before one could differentiate among types of businessmen.

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[46] Rlaph Brown, *Loyalty and Security* (New Haven, 1958), chs, 5–7, 18.

[47] A. A. Berle, Jr., *Economic Power and the Free Society*, *op. cit.*

[48] W. H. Whyte, *The Organization Man* (New York, 1956); C. Wright Mills, *White Collar* (New York, 1953); A. Hacker, *op. cit.*

If we turn the question of bases and techniques around in order to look at it from the side of government—what bases and techniques are available to government leaders for influencing the behavior of businessmen?—we move from an uncharted sea into the whole ocean of political science. There are, none the less, some points worth keeping in mind. The question is of professional interest not only to political scientists but also to economists and lawyers; in some universities one can find courses on government control of business not only in the two social science departments but in the faculty of law as well. An examination of textbooks indicates that economists tend to treat the subject in rather narrow terms; they are, for example, fascinated by the anti-trust problem—which is, after all, a narrow segment of the whole domain. Political scientists are more inclined to a broader view, although they are prone to emphasize the legal and administrative aspects to the exclusion of "politics." Moreover, even among political scientists the treatment is heavily descriptive and non-theoretical.

The reason for this is probably not obscure: there is no existing body of theory adequate to the task of dealing with the intermediate areas between politics and economics. When the economist tries to extend his theory to cover governmental and political behavior, the results are unimpressive. Probably the most interesting and imaginative recent effort is Anthony Downs' *An Economic Theory of Democracy,*[51] which is a bold, vigorous, and lucid application of some of the economist's modes of thought to the task of constructing a comprehensive theory of the behavior of democratic systems. The book is less useful to a political scientist looking for a theory to explain "economic" behavior in "political" terms than it is to an economist seeking to make sense out of "political" behavior in "economic" terms. But it is unquestionably an important step forward in a field of inquiry where institutional and descriptive approaches by political scientists, and arid model building by economists, have all but stifled the growth of relevant theory.

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[49] In the often quoted survey by Woodward and Roper, about a third of the "executives" interviewed were rated as "very active" politically. According to the scoring system used, an individual who voted regularly, discussed politics frequently, and belonged to a political party was rated as "very active." *Cf.* J. L. Woodward and E. Roper, "Political Activity of American Citizens," this REVIEW, Vol. 44 (Dec. 1950), pp. 872–85. In response to the question "Have you ever written or wired your Congressman or Senator in Washington?," 67 per cent of the "professional and business' respondents of the American Institute of Public Opinion answered "No." (AIPO, Sept. 24, 1949).

[50] D. R. Mathews, *The Social Background of Political Decision-makers* (New York, 1954), Table 7, p. 30. *Cf.* also his "United States Senators and the Class Structure," in *Political Behavior* (Glencoe, 1956), pp. 184–92.

[51] New York, 1957.

If we turn now from more or less direct techniques to the indirect means by which businessmen may influence the actions of governments (and conversely) we face one of the most important and at the same time one of the most difficult assignments open to a contemporary social scientist. Perhaps the importance of such an analysis, and the difficulty too, can be suggested by comparing several alternative and drastically over-simple models of the political process in a "democratic" society. In the conventional normative model, the political leader is usually viewed as an agent of majority opinion. In the conventional "pressure" model, he is an agent of unequally weighted "pressures" brought to bear by individuals and groups with varying bases of influence, techniques, and degrees of success. If we regard the "pressures" that bear directly on the political leader as first-order forces, the pressure model can be made both more complicated and more interesting if it is enlarged to include forces of the second order, third order, and *n*th order: *i.e.*, the activities that generate these activities, and so on. In one oversimplified and extreme variant, the political leaders are assumed to be substantially autonomous—they themselves generate all the pressures to which they respond. In another extreme variant, the elected leaders are completely subject to "pressures" generated by autonomous elements elsewhere in the system. "Business" might be treated as an (or the) autonomous element.

Once we begin tracing out the chain of political forces to their "ultimate" sources, we move into a problem that liberal-democratic theory has found it more and more difficult to deal with. As Frank Knight has often pointed out, liberal theory tended to take individual preferences for granted; preferences were in some sense the ultimate irreducible atoms with which the liberal constructed his theory. But the atoms have proved to be reducible, after all, to more primitive elements.

The question is germane to our concern here primarily because of the rise of "modern" techniques for influencing opinion, and their adoption by business to influence individuals not only as consumers but also as citizens. Leaders who represent wealth and property have long recognized the importance of public opinion for the maintenance of their condition. The election of 1840 might be taken as a convenient landmark, for in that election the Whigs finally turned their backs on the hopelessly outdated Federalist tradition of a dominant elite maintaining its rule independent of mass opinion. But as Kelley shows, it was not until about 1900 that large American business firms dropped their policy of aloofness toward public opinion and began to cultivate it. In 1902, Ida Tarbell discovered the changed approach in Standard Oil. In 1904, Ivy Lee and George Parker created their press bureau to explain and defend business before the public. By 1952, *Fortune* has estimated, there were 5,000 companies in the United States supporting public relations departments at an annual cost for supervisory *personnel* alone of around $400 million.[52] Mr. B. J. Mullaney, "director of the utility interests' Illinois information committee during their multimillion-dollar propaganda campaign of the nineteen-twenties," uttered the classic formulation of the importance of indirect techniques when he said:

> When a destructive bill is pending in a legislature it has to be dealt with in a way to get results. I am not debating that. But to depend, year after year, upon the usual political expedients for stopping hostile legislation is shortsightedness. In the long run isn't it better and surer to lay a groundwork with the people back home who have the votes, so that proposals of this character are not popular with them, rather than depend upon stopping such proposals when they get up to the legislature or commission?[53]

In 1937, Norton Long wrote his doctoral dissertation at Harvard on the public relations policies of the Bell Telephone Company; part of the dissertation appeared that year in *Public Opinion Quarterly*.[54] So far as I can discover, no political scientist took up the topic again until Kelley's book (originally a dissertation at Johns Hopkins) appeared in 1956. In his analysis, Kelley offers four case studies of "particular public relations men at work in particular campaigns"; these include the general activities of the firm of Whitaker and Baxter in California, their specific work for the AMA campaign against national health insurance, the Maryland senatorial campaign of 1950, and the 1952 presidential campaign.

As Kelley describes the assumptions of Whitaker and Baxter, one has the impression that they have unconsciously codified into operating principles many of the hypotheses about voting behavior that a careful reader of recent election studies might also make—assumptions that on the whole run flatly counter to the behavior prescribed in the normative models of democracy. The points of convergence and divergence would be worth examining. It would also be important to have more evidence bearing on the success of these efforts; but this is an enormously difficult problem, and one I propose to come back to in a moment.

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[52] Stanley Kelley, Jr., *Professional Public Relations and Political Power* (Baltimore, 1956), pp. 9–12.

[53] Senate Document 92, Part 71A, 70th Cong., 1st sess., p. 17, quoted in Kelley, pp. 12–13.

[54] "The Public Relations Policies of the Bell System" (Ph.D. dissertation, Harvard, 1937) and "Public Relations of the Bell System," *op. cit.*

The different levels of government. There are numerous "arenas" within which these techniques can be applied. Here I propose only to examine the accepted ones: the local community, the state, the national government and the international areas. Of these, the relations between business and national government have been by a very large margin the most thoroughly studied. There are probably several reasons for this: the greater saliency of the regulatory activities of the national government, the amount of material made available by public bodies, the general bias of American political scientists toward the national government, and the relatively less difficult methodological and investigatory problems involved in studying politics at that level.

On this subject as on most others the state governments are perhaps the most neglected. In addition to the article by Garceau and Silverman mentioned above, the only book by a political scientist dealing with the relations between business and the states appears to be Fesler's study of the independence of state regulatory agencies.[55]

In recent years, political scientists have left the systematic study of the local community largely to sociologists, whose preoccupation with social status and class has produced a curious, if mostly implicit, bias in their findings on politics. For these studies have tended to assume, not always explicitly, that social status and political influence are very highly correlated. The Lynds (and, long before, Lincoln Steffens), Warner, Hollingshead, Withers, and Hunter all discover a socio-economic elite that is also "influential" in the community.[56] Nearly all the interesting question are, however, swamped by a positive correlation between some sort of social status and some sort of influence. The important question might be formulated this way: On what kinds of issues are what kinds of people influential with whom? The evidence of these studies, unfortunately, does not permit an answer to this question.

A number of current investigations in various stages of completion will almost certainly enable us to handle the problem with more precision than before.[57] Meanwhile, we are not totally in the dark. Mills departs from his colleagues in arguing that the new elites are nationwide in character; to those new elites, he contends, influence over local politics is of negligible importance.[58] There is a considerable amount of suggestive evidence for his hypothesis. The executives of national firms are often too much on the move to settle more than superficially into local politics.[59] Moreover, the outcome of local disputes usually can have only marginal effects on the large firm. Although many firms cultivate "community relations," there is a strong suggestion that what they are mostly interested in is good will—which they can lose by too much activity in local politics. If one can judge from some of the handbooks on community relations, the most highly regarded strategy among professionals is to commit oneself to politically neutral causes like the local community chest drive (which typically is headed mostly by men from the business community) and to avoid "politics" like the plague. One book lists 29 "don'ts," which are summarized: "Don't do anything, if it can be avoided, that will damage the community, injure or irritate its people, offend its traditions or customs, or otherwise show disregard for the well-being or good will of the community." The positive injunctions are equally innocuous.[60]

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[55] J. W. Fesler, *The Independence of State Regulatory Agencies* (1942).

[56] R. S. and H. M. Lynd, *Middletown* (New York, 1931); *ibid., Middletown in Transition* (New York, 1937); W. L. Warner, *The Social Life of a Modern Community* (New Haven, 1941); A. Hollingshead, *Elmtown's Youth* (New York, 1949); J. West (C. Withers), *Plainville, U.S.A.* (New York, 1945); F. Hunter, *Community Power Structure* (Chapel Hill, 1953).

However, communities and business firms vary tremendously. Dupont executives appear to dominate Aiken, S. C., in a way that General Electric executives do not, and perhaps could not, in Schenectady. It is reasonable to suppose that the extent to which a firm attempts to influence political decisions in a community is a function of a number of variables, including the traditions of the firm, the size of the community, the extent of the community's economic dependence on the firm, and the existence and aggressiveness of trade unions. A great many more local studies will be necessary before the full range of existing relations between businessmen and local governments has been adequately explored.

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[57] These studies include San Francisco (by G. Belknap), Atlanta (by F. Cleaveland), Boston (by N. Long), Chicago (by E. Banfield), and New Haven (by R. Dahl).

[58] C. W. Mills, *The Power Elite, op. cit.*, ch. 2, "Local Society."

[59] Some industrialists do appeal to their brethren to be more active in politics. At the annual meeting of the American Petroleum Institute in Chicago, Ill., in Nov., 1958, L. R. Boulware, vice-president of General Electric (and a former War Production Board official) asked each industrialist to visit and convert fifty families to "a sound way of thinking and to an immunity to demagogues." At the same meeting, however, G. Romney, president of the American Motors Corporation "counselled big companies to stay out of politics. Instead of duplicating labor's political activities, business should 'deplore' them." *The New York Times*, Nov. 12, 1958.

[60] *Cf.* L. B. Lundborg, *Public Relations in the Local Community* (New York, 1950), pp. 68, 76, 78, 94, 206, 210; and F. R. Henderer, *A Comparative Study of the Public Relations Practises in Six Industrial Corporations*, (Pittsburgh, 1956), p. 109. However, see S. H. Walker and P. Sklar, *Business Finds its Voice: Management's Effort to Sell the Business Idea to the Public* (New York, 1938).

At the international level the researcher has until recently had very little to turn to in the way of concrete case studies. A few years ago, the National Planning Association began a series of case studies of the performance of United States business abroad: Sears, Roebuck in Mexico, Grace in Peru, Firestone in Liberia, etc. Although the studies vary in content and quality they are thorough and comprehensive.[61] In view of the fact that in many parts of the world the business firm deals with local populations—and local politicians—with a directness and impact greater than that of our formal representatives, it is obvious that the relation of the international firm to American foreign policies is a matter of highest importance. To take a little known example, Sears opened its first store in Latin America in Havana in 1942 and now has 60 retail outlets in Mexico, Brazil, Venezuela, Colombia, and Peru, employing close to 10,000 people, of whom less than 2 per cent are North Americans.[62] The importance of the oil companies in South America and in the middle-East is so well-known and so obvious that it needs no emphasis. Yet the relationships between the international corporation and American policy remain largely in the domain of gossip and speculation.

Scope and magnitude. Although the *scope* and *magnitude* of influence are analytically separable, it will be convenient in this survey to deal with them together. But it is essential to keep in mind that they are not the same thing. Over one scope—*e.g.*, legislation in Congress on taxes—an actor may have a large amount of influence; at the same time, over another scope—*e.g.*, legislation in Congress on foreign policy—he may have only negligible influence. Consequently no statement about the amount of influence an actor exerts has much meaning unless it contains a reference to the scope. Failing to adhere to this simple requirement has probably accounted for more obfuscation about the "power" of various groups than any other single factor.

In principle, it is possible to rank actors according to the magnitude of their influence over a given scope. One can do this by asking with respect to each actor: How great a change in the probability of an event taking place can be attributed solely to the activities of this actor? If nature and social action generously provide one with the appropriate information, one can then say that A is (or is not) more influential than

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[61] Under the general title *United States Business Performance Abroad*, the monographs include *Sears, Roebuck De Mexico, S.A.* (1953), *Casa Grace in Peru* (1954), *The Philippine American Life Insurance Company* (1955), *The Creole Petroleum Corporation in Venezuela* (1955), *The Firestone Operations in Liberia* (1956).

[62] T. V. Houser, *Big Business and Human Values*, (New York, 1957) pp. 69–78.

B with respect to a given scope. But we cannot rank scopes, at least not without some "outside" criterion that has to be supplied by the researcher. Thus (in principle) it would be possible to say (meaningfully) that on matters of tax assessments in Jonesville, Smith is more influential than Brown; and on matters of school policy, Brown is more influential than Smith. But unless we agree in advance that school policy is in some sense "more important" than assessments, and therefore must have a greater weight, one cannot say that over the whole range of assessments *and* school policy, Brown is more influential than Smith; it will be readily seen that assigning weights would, at best, present a formidable problem.

The bearing of all this on our present discussion is that the more closely one sticks to statements about the influence of x class of businessmen over y category of outcomes (at time t), the more obvious and unambiguous is one's meaning, and the easier it is to test the truth of what one says. But the more one tries to speak about the "general" influence of business in American politics, the more ambiguous one's meaning and the more difficult to test for truth. Therefore any over-all assessment of the influence of businessmen on politicians, or *vice versa*, must be regarded as a kind of loose summary statement, the meaning of which must be sought for in a set of concrete propositions.

It is possible, nonetheless, to distinguish some approaches to the problem of over-all assessment of the influence of business in American life that differ radically in their assumptions (which are usually explicit only in part) as to scopes and magnitudes of influence.

The simplest and most straightforward way of looking at the matter is to hypothesize that there is a single dominant locus for arriving at political decisions, and a single, homogeneous group in control of the dominant locus. In this respect the Marxist and his ultra-conservative critic (who sees businessmen as completely dominated by politicians and bureaucrats) stand, intellectually, shoulder to shoulder. There are a number of important modifications of this approach. To Veblen, "Representative government means, chiefly, representation of business interests. The government commonly works in the interest of business men with a fairly consistent singleness of purpose."[63] Writing in 1904, Veblen was not perhaps so wide of the mark. In various ways and with various modifications, the Lynds, Brady, Mills, Hunter, and even Burnham at one stage adopt a similar viewpoint.[64]

At the other extreme are neo-pluralists like Truman, Key, and Latham (and perhaps Berle) who suggest that there are a number of loci for arriving at political decisions; that businessmen, trade unions, politicians, consumers, farmers, voters, and many other aggregates all have an impact on policy outcomes; that none of these aggregates is homogeneous for all purposes; that each of them is highly influential over some scopes but weak over many others; and that the power to reject undesired alternatives is more common than the power to dominate over outcomes directly.[65]

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[63] *The Theory of Business Enterprise* (New York, 1904, 1935), p. 286.

[64] O. R. Brady, *Business as a System of Power* (New York, 1943); J. Burnham, *The Managerial Revolution* (New York, 1941). And see citations in footnote 56, *supra*.

The difficulty in choosing among these views, or even in developing another variant, is that we do not have anything like enough carefully formulated case studies of the roles of businessmen in politics. To be sure, library shelves sag with cases in law, business and public administration. But few if any of these cases are useful for testing hypotheses about influence, for the relevant questions were not in the minds of the authors.

It is perhaps a general characteristic of political science that we know a good deal more about techniques than we do about effects, partly, no doubt, because it is comparatively easy to observe and describe techniques and enormously difficult to measure effects. The difficulty of measuring effects is compounded by the fact that beliefs about the extent of business influence over government (and *vice versa*) serve psychological, ideological, and even economic functions. Lobbyists, advertisers, and public relations experts have a self-serving interest in demonstrating that they are highly influential. Thus Whitaker and Baxter "can boast of success in about 90 per cent of more than seventy-five . . . endeavors."[66] On a chance basis one would expect them to be on the winning side about half the time. How much of the difference can be attributed to Whitaker and Baxter? To find a satisfactory answer to questions like this is one of the most formidable problems of contemporary social science. Yet it is clear that no amount of description of techniques of influence will produce an answer.

Fortunately for the political scientist, the pay-off is usually a vote or election of some kind, a fact that would permit an imaginative use of election data to throw some light on the question. However, even where the pay-off is considered to be an election or a legislative vote, the more one moves away from direct to indirect techniques the more difficult it becomes to assess effects. How can we estimate the impact of institutional advertising on the attitudes of voters? How much of the generally favorable attitude of Americans toward business can be attributed to deliberate efforts to manipulate attitudes? Observers differ widely in appraising the extent to which business propaganda has actually influenced attitudes. In a characteristically astringent essay for *Fortune*, W. H. Whyte, Jr., concludes that the whole Free Enterprise campaign of American industry "is not worth a damn."[67] Mills argues the different but not necessarily conflicting point that the mass media are "among the most important of those increased means of power now at the disposal of elites of wealth and power."[68] Since one quickly begins to outstrip even the most advanced methods of analysis in trying to appraise the effects of indirect techniques, it might be argued that the subject should be dropped—at least by scholars, and at least temporarily. But the question probably cannot be downed so cavalierly, since too much in the way of political theory (both normative and empirical) depends on the assumptions one makes about the sources of political attitudes. To return to one of the extreme models referred to a moment ago, if one assumes that political preferences are simply plugged into the system by leaders (business or otherwise) in order to extract what they wish from the system, then the model of plebiscitary democracy is substantially equivalent to the model of totalitarian rule. There is probably no way at present of arriving at an adequately testable theory. If the question is to be dealt with at all, the theorist will need to exploit a broad range of investigatory techniques, factual materials, and intellectual disciplines ranging from historical studies to statistical analysis.

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[65] It is an interesting and perhaps significant fact that the neo-pluralists are mostly political scientists, while the first group is made up mostly of sociologists.

[66] Kelley, *op. cit.*, p. 43.

Motives and attitudes. In recent years political scientists have begun to turn their attention once more to the political significance of motivations, character, attitudes, and ideologies—a topic that most political philosophers from Plato to Rousseau assumed, as a matter of course, to constitute a problem of central relevance to any comprehensive theory of politics. The appearance of Lane's *The Regulation of Businessmen* in 1954 reflected this resurgence of interest; fortunately for the subject we are concerned with in this essay, the book deals with the attitudes, values, and ideologies of businessmen and (to a lesser extent) bureaucrats. It is based mainly on a "series of studies—marginal between case studies and ordinary, if prolonged, interviews—of twenty-five businessmen in two New England states," a content analysis of the magazine *Connecticut Industry*, and a study of violations of regulatory law committed by the New England shoe industry.[69] Lane concludes that to the businessmen he studied the economic costs of regulation were relatively low; but the psychic costs were high. Regulation challenges the businessman's ideology, damages his self-image, generates frustrations by depriving him of customary choices, and creates anxieties by introducing new uncertainties into an already unpredictable environment. Further friction is generated between businessmen and bureaucrats because of differences in occupational traits, in the language they are accustomed to use, in standards of evaluation, and in their reference groups. It follows that among the important conditions for effective regulation of business are means for minimizing damage to the businessman's ego and changing businessmen's attitudes. But since the attitudes of businessmen are anchored in their group relations, the change must be through local communities (which differ markedly in attitudes toward regulation), business associations, and sympathetic occupational groups within the firm.[70]

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[67] "The Great Free Enterprise Campaign," in *Is Anybody Listening?* (New York, 1952), p. 7.

[68] Mills, *op. cit.*, p. 315. *Cf.* also V. Packard, *The Hidden Persuaders* (New York, 1957).

It is too soon to say whether Lane's attempt to introduce a radically new perspective into the analysis of regulation will have the impact it deserves. But the rapid development of measures and scales for politically relevant attitudes opens up a whole new area of investigation that will almost certainly be exploited—if not by political scientists then (as is so often the case with questions of importance to the study of politics that have been neglected in the conventional organization of the discipline) by sociologists and psychologists.

While the study of the politically relevant attitudes and ideologies of businessmen can easily be assimilated into political science, the study of motivations can hardly move much faster than innovations in psychological theory and method permit. Nonetheless, even here there are some interesting new possibilities. N. Martin of the University of Chicago, in a still unpublished study, has made a comparison of certain kinds of motives in businessmen and government administrators. Some of the most intriguing possibilities along this line have been opened up by McClelland of Harvard and Atkinson of Michigan, who have developed measures of the relative strength of three motivations which they have called "need for achievement," "need for affiliation," and "need for power." In a dissertation in progress at Yale, J. Guyot is attempting to compare the strength of these motives among rising, middle-range executives in business and in government. Studies such as these will help to reduce the dependence on myths and impressions as a source of information about differences and similarities between business bureaucrats and government bureaucrats.

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[69] R. E. Lane, *The Regulation of Businessmen, Social Conditions of Government Economic Control* (New Haven, 1954), pp. viii–ix.

[70] *Ibid.*, pp. 19–20, 72, 121–7.

Equally if not more important, of course, are the images of business and businessmen reflected in the attitudes and ideologies of various American publics. Many of the conventional assumptions contained in political lore—such as the relatively greater hostility of mid-Westerners to "Wall-Street"—have never been tested except by a kind of impressionistic content analysis of political propaganda. In 1951, however, the Survey Research Center of the University of Michigan published a study of public attitudes toward Big Business based on the responses of 1200 persons interviewed in 1950.[71] Although the findings of the survey are somewhat difficult to interpret, three things stand out fairly clearly: If there is any widespread hostility in this country to big business, it did not show up in the survey; almost no one seemed to be worried about the political power of big business; and the role of big business in American life was not a salient issue to most people. About 76 per cent of the respondents said that the good things about big business outweighed the bad. When they were asked to rank big businesses with "businesses that are not big," labor unions, the national government, and state governments according to their "influence on how things go in this country," 13 per cent put big business first, although only 3 per cent *desired* it to be in first place; another 23 per cent put it in second place, compared with only 13 per cent who wanted it to be in second place. Paradoxically, however, only 3 per cent seemed to feel that big business had too much power over institutions such as government, newspapers, and schools—and 53 per cent felt that some sort of government control over big business was a good thing. (Nearly half the sample put the relative "influence" of labor unions as in either first or second place, and three-quarters of them preferred labor unions to be in third, fourth, or fifth place.) Only 25 per cent seemed to display any emotional involvement in the issue; the issue of "big business" was much more likely to be salient to a member of the small minority who disliked big business than to those who felt the good outweighed the bad.[72]

Now in this case as in most others we do not know nearly enough about the attitudes of people. What sorts of people, for example, make up that group to whom the issue of Big Business is salient: that is, those who not only have some information but some feelings on the matter? And what sorts make up that small minority of "radicals" to whom the issue is salient and who say that the bad things about big business outweigh the good? Are there important geographical differences in the distribution of attitudes? What *kinds* of influence do people perceive, and how do they respond to different kinds of perceived influence? Are individuals in positions of political leadership markedly different from others?[73]

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[71] The Survey Research Center, Institute for Social Research, University of Michigan, *Big Business from the Viewpoint of the Public* (Ann Arbor, 1951).

[72] *Ibid.*, pp. 18, 20, 26, 44, 56.

One plausible conclusion, however, is that as with most public "issues" the role of business in American life is a matter of immediate concern to only a minority. It is extremely doubtful whether the problem of the "legitimacy" of the power of the large corporation in American life is meaningful to anyone outside a tiny group of perceptive observers like A. A. Berle.[74] Whether the active minority concerned with Big Business is significantly larger or smaller than the active minorities concerned with many other important policy areas, one cannot say on the present evidence. So long as the performance of business measures up moderately well to expectations (as the Michigan study suggests it did in 1950), the problems associated with the roles of businessmen in American life are unlikely to occupy more than the sporadic attention of decision-makers and attentive publics. But if business fails again to meet popular expectations as dismally as it did in the decade after 1929, there is nothing in the SRC or other studies of opinion to suggest that public attitudes would not shift rapidly and vengefully against business and produce extensive changes in the existing system of relations between business firms and the government.

What these changes might be, however—or even what a stable future is likely to hold in the way of evolutionary changes—is difficult to predict in the absence of any well-defined ideological alternatives, in the United States, to the present order. Paradoxically, the very absence of any competing ideology critical of business, reformist in mood, and deeply rooted in American beliefs and folkways, may be conducive to relatively violent and abrupt changes, should business performance ever again run sharply counter to popular expectations.[75]

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[73] It is only fair to point out that the SRC study (a) calls attention to some of these gaps (p. 134) and (b) reports that census-type variables "do not seem to differentiate those seeing or desiring different order positions [*i.e.*, in ranking Big Business with the other four institutions] to any significant degree." (p. 103).

[74] *Economic Power and the Free Society, op. cit.*

[75] Political scientists who teach courses and/or write textbooks on "government regulation of business," "public control of business enterprise," etc., might feel, with considerable justification, that they have been given short shrift in this section and indeed in the whole essay. Since I have been largely concerned with gaps in our knowledge, I have not stressed the one area where a good deal of work has been done, namely the operation of legal and administrative regulatory mechanisms. Standard works include M. Anshen and F. D. Wormuth, *Private Enterprise and Public Policy* (New York, 1954); M. E. Dimock *Business and Government* (New York, 3d ed., 1957); H. Koontz and R. W. Gable, *Public Control of Economic Enterprise* (New York, 1956); H. R. Smith, *Government and Business*

IV. BUSINESS CIVILIZATION AND THE POLITICAL ORDER

The capacious, far-ranging, reflective work of a civilized mind wrestling with the giant problems of an historical period is not usually reducible to a set of research papers. A concern for the relations between a business civilization and a popular political order has generated some of the most creative and influential writings of the past half century. One thinks at once of Tawney, Veblen, Weber, Schumpeter, Hayek, Fromm, Mannheim, Lippman, and Popper, to name only a few. Of this particular group, it is significant that all were strongly influenced by the nineteenth-century view of "capitalism" and "socialism" as distinct, mutually exclusive, conflicting systems. Only two were American by birth and education. None can be classified as a professional political scientist, although economics, history, sociology, and philosophy are represented. Some of the problems these men were perturbed about seem no longer relevant. Others persist. New ones appear.

There is, certainly, no lack of questions for the social philosopher: What criteria ought we to use to appraise business performance? Are these consistent with the criteria we use to appraise performance in government? What are the consequences for American life, politics, attitudes, and civilization of American business behavior? How ought one to evaluate these consequences? How can the adverse consequences be minimized and the advantageous consequences maximized? Is our civilization consumption-oriented to a greater degree than others? If so, how is this related to business influences and needs? Do our commitments to the idea of maximizing individual consumption lead to a neglect of goods that can only be consumed or enjoyed jointly? Or to a relatively heavy emphasis on "material" as compared with "ideal" personal orientations? Does a business culture generate a relatively large amount of personal alienation, isolation, and anomie? Is the growth of the Organization Man a fact? If so, why? Does business competition help produce highly "competitive" personalities—or is this merely an illusory play on words?

Conversely, in what ways does the existence of the American political order influence the behavior of business? How, for example, does the political order affect the rate of economic growth? The allocation of resources? The distribution of incomes? What changes would be required

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(New York, 1958); M. Fainsod and L. Gordon, *Government and the American Economy* (rev. ed., New York, 1948; a new edition is under preparation by J. Palamountain); E. S. Redford, *Administration of National Economic Control* (New York, 9152), and his *Public Administration and Policy Formation* (Austin, 1956). *Cf.* also M. Fainsod, "The Study of Government and Economic Life in the United States," in *Contemporary Political Science* (Paris, UNESCO, 1950).

in the political order for given changes in the rate of growth, or in the patterns of resource allocation or income distribution? How much did the political order contribute to the relatively high rate of growth over the past century? In what respects does it facilitate or impede our "competition" with the relatively high rate of growth in the USSR? How, if at all, is the political order related to innovation and invention? Is the influence of corporate businessmen over economic decisions excessive? What decisions? And by what criteria?

Are the old issues involved in the struggles over the regulation of business, the welfare state, planning, and, in other countries, socialism largely dead? If not, what is their current content? If so, what are the new or future sources of tension generated in the relations of the political to the economic order?

And so on. There is no dearth of important and even urgent questions. But political scientists do not, by and large, seem to be searching for answers.

THE FEAR OF EQUALITY*

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We move in equalitarian directions; the distribution of income flattens out; the floor beneath the poorest paid and least secure is raised and made more substantial. Since the demise of Newport and Tuxedo Park, the very rich have shunned ostentatious display. The equality of opportunity, the chance to rise in the world is at least as great today as it was thirty years ago. The likelihood of declining status is less.[1] Where does the energy for this movement come from? Who is behind it?

Since 1848, it has been assumed that the drive for a more equalitarian society, its effective social force, would come from the stratum of society with the most to gain, the working classes. This was thought to be the revolutionary force in the world—the demand of workers for a classless society sparked by their hostility to the owning classes. It was to be the elite among the workers, not the *lumpenproletariat*, not the "scum," who were to advance this movement. Just as "liberty" was the central slogan of the bourgeois revolution, so "equality" was the central concept in the working class movement. Hence it was natural to assume that whatever gains have been made in equalizing the income and status of men in our society came about largely from working class pressure.

But on closer investigation the demands for greater liberty or "freedom" turn out to have been of an ambiguous nature. The middle classes sought freedom of speech and action in large part for the economic gains that this would give them, and moralized their action with the theology of freedom. But the freedom that they gained was frightening, for it deprived them of the solidary social relationships and the ideological certainty which often gave order and meaning to their lives. On occasion, then, they sought to "escape from freedom."[2] The older unfree order had a value which the earlier social commentators did not appreciate.

There is a parallel here with the movement toward a more equalitarian society. The upper working class, and the lower middle class, support specific measures embraced in the formula "welfare state," which have equalitarian consequences. But, so I shall argue, many members of the working classes do not want equality. They are afraid of it. In some ways they already seek to escape from it. Equality for the working classes, like freedom for the middle classes,

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[1] See Natalie Rogoff, *Recent Trends in Occupational Mobility* (Glencoe, Ill.: Free Press, 1953), pp. 61–63.

[2] Erich Fromm, *Escape from Freedom* (New York: Rinehart, 1941).

is a worrisome, partially rejected, by-product of the demand for more specific measures. Inequality has values to them which have been overlooked. It is these attitudes on status and equality that I shall explore here.

I. EXTENDED INTERVIEWS WITH FIFTEEN MEN

This discussion is based upon extended interviews of from ten to fifteen hours each (in from four to seven sessions) with a sample of American urban male voters. The sample is a random selection from the white members on a list of 220 registered voters in a moderate income (not low income) housing development where income is permitted to range between $4,000 and $6,500, according to the number of dependents in the family. Out of fifteen asked to participate, fifteen agreed, for a modest cash consideration. The characteristics of the sample, then, are as follows:

They are all men, white, married, fathers, urban, Eastern seaboard.
Their incomes range from $2,400 to $6,300 (except for one who had just moved from the project. His income was $10,000 in 1957.)
Ten had working class (blue collar) occupations such as painter, plumber, oiler, railroad fireman, policeman, machine operator.
Five had white collar occupations such as salesman, bookkeeper, supply clerk.
Their ages ranged from 25 to 54; most are in their thirties.
Twelve are Catholic, two are Protestants, one is Jewish.
All are native born; their nationality backgrounds are: six Italian, five Irish, one Polish, one Swedish, one Russian, one Yankee. Most are second or third generation Americans.
All were employed at the time of the interviews.
Their educational distribution was: three had only grammar school education; eight had some high school; two finished high school; one had some college; one completed graduate training.

The interviews with these men were taped, with the permission of the interviewees, and transcribed. They were conducted by means of a schedule of questions and topics followed by conversational improvised probes to discover the underlying meanings of the answers given. The kinds of questions employed to uncover the material to be reported are illustrated by the following: "What do you think the phrase 'All men are created equal' means?" "How would you feel if everyone received the same income no matter what his job?" "Sometimes one hears the term 'social class'—as in working class or middle class. What do you think this term 'social class' means?" "What class do you belong to?" "How do you feel about it?" There were also a number of questions dealing with status, private utopias, feelings of privilege or lack of privilege, and other topics, throughout the interview schedule which sometimes elicited responses bearing on the question of social and economic equality.[3]

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[3] One way of finding out whether these working class men reported their "true feelings" —the ones which form the basis of their relevant behavior and thought—to the listening professor, is to find out how they talk to each other. Fortunately, we have some evidence on this in the transcribed protocols of discussions where two groups of three men each, selected from the fifteen reported on here, argued with each other, without an interviewer present, on the job performance of certain public officials. In these discussions the main

II. HOW TO ACCOUNT FOR ONE'S OWN STATUS?

It is my thesis that attitudes toward equality rest in the first instance upon one's attitude towards one's own status. Like a large number of social beliefs, attitudes towards equality take their direction from beliefs about the self, the status of the self, one's self-esteem or lack thereof. It is necessary, therefore, first to explore how people see themselves in American hierarchical society.

The American culture and the democratic dogma have given to the American public the notion that "all men are created equal." Even more insistently, the American culture tells its members: "achieve," "compete," "be better, smarter, quicker, richer than your fellow men"; in short, "be unequal." The men I interviewed had received these inequalitarian messages, some eagerly, some with foreboding. Having heard them, they must account for their status, higher than some, lower than others. They must ask themselves, for example, "Why didn't I rise out of the working class, or out of the 'housing project class,' or out of the underpaid office help class?" And, on the other hand, "Why am I better off than my parents? or than the fellows down the road in the low rental project? or the fellows on relief?" Men confronted with these questions adopt a variety of interesting answers.

Is it up to me? The problem of accounting for status is personally important for these men only if they think that their decisions, effort, and energy make a difference in their position in life. Most of my subjects accepted the view that America opens up opportunity to all people; if not in equal proportions, then at least enough so that a person must assume responsibility for his own status. Thus O'Hara, a maintenance oiler in a factory, in a typical response, comments that the rich man's son and the poor man's son "have equal opportunity to be President . . . if they've got the education and the know how." But, he goes on to say, "some of them have a little more help than others." This is the constant theme: "all men can better themselves," the circumstances of American life do not imprison men in their class or station—if there is such a prison, the iron bars are within each man.

There were a few, of course, who stressed the differences of opportunity at birth, the mockery of the phrase "all men are created equal." Here, as only rarely in the interviews, a head of steam builds up which might feed radical social movements—but this is true for only a few of the sample. Three or four angry young or middle aged men deny the Jeffersonian phrase. Rapuano, an auto parts supply man, says:

> How could you say we were born equal when, for instance, when I was born, I was born in a family that were pretty poor. You get another baby born in a family that has millions.

And Kuchinsky, a house painter, says:

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themes reported on below are apparent. Illustrative of one of these themes is Costa's remark to Woodside and O'Hara: "If you're the business man and I'm the working man, I don't care if you make a hundred million dollars a year, as long as I make a living. In other words, you got your money invested. You're supposed to make money." And O'Hara then chimes in "That's right."

> Are we created equal? I don't believe we are, because everybody's got much more than one another and it's not right, I think. Of course, ah, we have no choice. I mean we can't do nothing about it. So we're not as equal as the next party, that's for sure.

And Ferrera, a salesman, says:

> All men created equal? Ah, very hypocritical, cause all men are not created equal—and—I don't know—you really pick some beauties don't you? . . . The birth of an individual in a [social] class sort of disputes this.

To these men, then, subordination and life position is attributable not so much to the efforts of the individual, something for which he must assume responsibility, as to the circumstances of birth, over which he has no control. Yet for each of those men the channels of advancement were seen as only partly blocked. Rapuano, for example, says elsewhere that income is generally proportionate to ability. Like the theme of "moral equality," the theme of differential life chances from birth is easily available. What is surprising is not that it is used at all, but rather that it is used so infrequently.

III. REDUCING THE IMPORTANCE OF THE STRUGGLE

When something is painful to examine, people look away, or, if they look at it, they see only the parts they want to see. They deny that it is an important something. So is it often with a person's class status when the reference is upward, when people must account not for the strength of their position, but for its weakness. How do they do this?

In the first place they may *insulate themselves,* limit their outlook and range of comparisons. Ferrera, an insurance salesman, who says, "It's pretty hard for me to think there is anyone in the upper class and I'm not in the upper class," slides into a prepared position of insulated defense:

> I think a lot of people place a lot of stress on the importance of social classes [but] I feel that I have a job to do, I have my own little unit to take care of. If I can do it to the best ability that is instilled in me at birth or progress through the years, I feel that I rightly deserve the highest classification you can get. I don't particularly like the headings, "upper, middle, working, and lower."

It is a resentful narrowing of focus in this case: two years at an inferior college may have led to ambitions which life then failed to fulfill. Contrast this to Woodside, a policeman with a Middlewestern rural background, who accepts the "categories" of social class rather willingly. He says, after dealing with the moral and intangible aspects of equality:

> ["Are there any people whom you regard as not equal to you?"] Well, that is a tough question. Well, in fairness, I'd say all people are equal to one another in his own category. When I say category, I mean you couldn't exactly expect a person that had very little knowledge to be, we'll say, should have a position where a person with a lot more education had it.

Equality must be treated within classes, not between them, to be meaningful—and in this way the problem of placing oneself becomes tolerable, or sometimes rather gratifying.

A second device for reducing the importance of class position is to *deny its* *importance.* This is not to deny the importance of getting ahead, but to limit this to the problem of job classification, or occupational choice—nothing so damaging to the self-esteem as an ordering of persons on a class scale. Rapuano, resisting the class concept, says:

> I don't think it [social class] is important. I mean whenever I went and asked for a job, the boss never asked me what class I was in. They just wanted to know if I knew my business. Oh yes, and I don't think in politics it makes any difference.

Others maintain that for other countries social class is important, but not for Americans. There are rich and poor, perhaps, but not status, class, or deference levels to be accounted for.

A third device for reducing the significance of the struggle for status and "success" is *resignation,* a reluctant acceptance of one's fate. When some men assume this posture of resignation one senses a pose; their secret hopes and ambitions will not down. For others it rings true. When Dempsey, a factory operative, speaks of his situation at the age of 54, one believes him:

> It's hard, very hard. We seem to be struggling along now, as it is, right here, to try and get above our level, to get out of the rut, as you might say, that we're probably in right now. . . . [But] After you get to a certain age, there, you stop—and you say, "Well, I can't go any further." I think I've gotten to that point now.

But when Sokolsky reports that he is contented with his station in life, it does not seem authentic:

> Being in the average group [He wouldn't assign himself a class status] doesn't bother me. I know I make a living—as long as I make a living, and I'm happy and I have what I want—try to give my family what they want. It doesn't bother me—no. I'm satisfied.

But then he adds: "I hope to God my children will do better than their father did."

Contrast these views with those of Johnson, a plumber, who says, "I feel someday I'll be better off. I feel that way because I believe I have it within me to do it"; and with Flynn, a white collar worker, who answers:

> No, I'm nowhere near satisfied. It seems to me every time I start to move up a little bit, all the levels move up one step ahead of me. I can't ever get out of this area. I have a certain desire and willingness to do something extra.

IV. THE WORKING CLASS GETS ITS SHARE

When comparing their status with those lower on the scale, however each man may define it, it is easy to point with pride to achievement, material well-being, standing in the community. But satisfaction with one's self and one's friends depends on seeing some advantage in one's situation *vis-a-vis* those who live and work on a higher status level. At first, this seems to be a difficult task, but in many simple ways it can be easily done. Our sample, for example, found ways of ascribing greater happiness, power, and even income to the working class than would be found in the upper class.

The equality of happiness is a fruitful vein. Lower income and status is more tolerable when one can believe that the rich are not receiving a happiness income commensurate with their money income. "Are the rich happier than people who are just average?" O'Hara does not think so:

> I think lots of times they're never happy, because one thing is, the majority of them that are rich have got more worries. You see a lot more of them sick than you do, I think, the average. I think a lot of your mental strain is a lot greater in the higher class—in the rich class—than in the other.

And Johnson, a maintenance plumber, says:

> Well, even though this rich man can go places and do things that others can't afford, there's only certain things in life that I think make people happy. For instance, having children, and having a place to live—no matter where it is, it's your home . . . the majority of these big men—I don't think they devote as much time and get a thrill out of the little things in life that the average guy gets, which I think is a lot of thrills.

Indeed, hardly a man thought the rich were happier. And yet, O'Hara says, on another occasion, "What is the most important thing that money can buy? Happiness, when you come down to it." Perhaps he means that money buys happiness for the average man, but not for the rich. But more likely he means ["I can take care of a gnawing and illegitimate envy by appropriating happiness for me and my kind."][4]

Power, like happiness, is awarded to the working (or lower middle) class. The sheer fact of numbers gives a sense of strength and importance. Costa, a factory operative, says, for example, "People like you [the interviewer] are the minority and people like me are the majority, so we get taken care of in the long run." Whether a person sees himself as middle class or working class, he is likely to believe that most people belong to his class. This being true, his class, people like him, become the most important force in electoral decisions. O'Hara puts it this way:

> The biggest part of the people in this country are working class. And I think they've got the most to do with—they've got a big part to do with running this country—because the lower class, a lot of them don't vote, when you come down to it, they don't have the education to vote, and your upper class isn't that much—isn't as great as the other, so really when you come down to it, it's your working class that's deciding one way or the other.

Not only do they "have the biggest part to do with running the country," they are crucial for the economy. This is not only as producers—indeed no one mentioned the theme which romantic writers on the laboring man and the immigrant have often employed—"they cleared the land and built the cities." Rather it is because of their power to shatter the economy and their power to survive in a depression that they are important. Kuchinsky explains this as follows:

> I think the lower class of people are the important people. I think so because of the business end of it. Without us, I don't think the businessman could survive. I mean if we don't work—of course, they have the money, but, ah, a lot of times during the crash which was an awful thing, too, I think a lot of 'em lived so high that they couldn't stand it any

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[4] Brackets are used here and below to distinguish inferred meanings or imputed statements from direct quotations.

> more when they went broke, and they committed a lot of suicides there. But we were used to living that way, it didn't bother us.

Today, as perhaps never before, the working class man can see his status loss compared to white collar workers compensated by income advantages. Thus, De Angelo, a factory operative and shop steward, reports:

> You got people working in offices, they might consider themselves upper class, y'know, a little better than the working man. But nine times out of ten the working man is making more money than he is.

And in the same vein, Rapuano says:

> I certainly would hate like hell to be a white collar worker in the middle class and making the money that the white collar worker does. I would rather be a worker in the lower class, and making their money, see?

Of course, this assignment of income advantages to the working class hinges upon a narrowing of the range of competition—but this is the range that makes a difference for these men.

V. MORAL EQUALITY

Another device for dealing with subordination in a society where invidious comparison with others is constantly invited represents, in effect, a borrowing from an older classical or religious tradition—an emphasis upon the intangible and immeasurable (and therefore comfortingly vague) spiritual and moral qualities. The only clearly adequate expression of this religious view was given by McNamara, a gentle and compassionate bookkeeper, who said "All men are created equal? That's our belief as Catholics," implying some sort of religious equality, perhaps such an idea as is captured in the phrase "equality of the soul." Woodside, a Protestant policeman, takes, in a way, a secular 18th Century version of this view when he says that men are equal "not financially, not in influence, but equal to one another as to being a person." Being a person, then, is enough to qualify for equal claims of some undefined kind.

But it seems probable that when men assert their own equality in this vague sense, typically phrased in something like O'Hara's terms: "I think I'm just as good as anybody else. I don't think there's any of them that I would say are better," something other than moral or spiritual equality is at issue. These moral qualities are what the educated commentator reads into the statement, but O'Hara means, if I may put words in his mouth [Don't put on airs around me," "I'm trying to preserve my self-respect in a world that challenges it; I therefore assert my equality with all." "I won't be pushed around." "I know my rights," and, to the interviewer: "Just because you're a professor and I'm an oiler, it doesn't mean you can patronize me."] And when Sokolsky, a machine operator and part-time janitor, says, in the interview, "The rich guy—because he's got money he's no better than I am. I mean that's the way I feel," he is not talking about moral or spiritual qualities. He is saying, in effect to his prosperous older brother and his snobbish wife, ["Don't look down on me,"] and to the world at large: ["I may be small, but I will protect my self-esteem."]

These men are posting notices similar to the motto on the early American colonies' flags: "Don't tread on me."

Speaking of moral virtues, we must observe how easy it would have been to take the view that the morality of the middle levels of society was superior because the rich received their wealth illegitimately. None of my clients did this. Nor did they stress the immoral lives of the wealthy classes, as did Merton's sample[5] some thirteen years ago—a commentary, perhaps, upon changing attitudes toward the upper classes taking place over this period. The psychic defenses against subordination available in stressing moral equality or superiority were used—but only rarely.

VI. PEOPLE DESERVE THEIR STATUS

If one accepts the view that this is a land of opportunity in which merit will find a way, one is encouraged to accept the status differences of society. But it is more than logic which impels our men to accept these differences. There are satisfactions of identification with the going social order; it is easier to accept differences which one calls "just" than those that appear "unjust"; there are the very substantial self-congratulatory satisfactions of comparison with those lower on the scale. Thus this theme of "just desserts" applies to one's own group, those higher, and those lower.

So Kuchinsky says: "If you're a professor, I think you're entitled to get what you deserve. I'm a painter and I shouldn't be getting what you're getting." Furthermore, confidence in the general equity of the social order suggests that the rewards of one's own life are proportionate to ability, effort, and the wisdom of previous decisions. On ability, Costa, a machine operator, says:

> I believe anybody that has the potential to become a scientific man, or a professor, or a lawyer, or a doctor, should have the opportunity to pursue it, but there's a lot of us that are just made to run a machine in a factory. No matter what opportunities some of us might have had, we would never have reached the point where we could become people of that kind. I mean everybody isn't Joe DiMaggio.

And on the wisdom of earlier decisions, Johnson, a plumber, says:

> I don't consider myself the lower class. In between someplace. But I could have been a lot better off but through my own foolishness, I'm not. [Here he refers back to an earlier account of his life.] What causes poverty? Foolishness. When I came out of the service, my wife had saved a few dollars and I had a few bucks. I wanted to have a good time. I'm throwing money away like water. Believe me, had I used my head right, I could have had a house. I don't feel sorry for myself—what happened, happened, you know. Of course you pay for it.

But the most usual mistake or deficiency accounting for the relatively humble position is failure to continue one's education due to lack of family pressure ("they should have made me"), or youthful indiscretion, or the demands of the family for money, or the depression of the thirties.

The upper classes deserve to be upper. Just as they regard their own status as deserved, so also do they regard the status of the more eminently successful as appropriate to their talents. Rapuano, an auto parts supply man, reports:

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[5] Robert K. Merton, *Mass Persuasion; The Social Psychology of a War Bond Drive* (New York: Harper, 1946).

> Your income—if you're smart, and your ability calls for a certain income, that's what you should earn. If your ability is so low, why hell, then you should earn the low income. ["Do you think income is proportionate to ability now?"] I would say so. Yes.

But there is a suggestion in many of the interviews that even if the income is divorced from talent and effort, in some sense it is appropriate. Consider Sokolsky again, a machine operator and part-time janitor, discussing the tax situation:

> Personally, I think taxes are too hard. I mean a man makes, let's say $150,000. Well, my God, he has to give up half of that to the government—which I don't think is right. For instance if a man is fortunate enough to win the Irish Sweepstakes, he gets 150—I think he has about $45,000 left. I don't think that's right.

Even if life is a lottery, the winner should keep his winnings. And De Angelo, a machine operator, comes spontaneously to the same conclusion:

> I think everybody needs a little [tax] relief. I mean, I know one thing, if I made a million dollars and the government took nine-tenths of it—boy, I'd cry the blues. I can't see that. If a man is smart enough to make that much, damn it, he's got a right to holler. I'm with the guy all the way.

Because he is "smart enough" to make the money, it is rightfully his. Surely, beyond the grave, there is a spectre haunting Marx.

The concept of "education" is the key to much of the thinking on social class and personal status. In a sense, it is a "natural" because it fits so neatly into the American myth of opportunity and equality, and provides a rationale for success and failure which does minimum damage to the souls of those who did not go to college. Thus in justifying their own positions, sometimes with reference to the interview situation, my clients imply, "If I had gone to college (like you) I would be higher up in this world." Costa, a machine operator, speaks this theme:

> Now what would be the advantage of you going 20 years to school so you wind up making $10,000 a year, and me going 8 years to school, making $10,000. You would be teaching the young men of tomorrow, the leaders of tomorrow, and I would be running a machine. You would have a lot more responsibility to the country as a whole than I would have. Why should 't you be rewarded in proportion.

McNamara, a mild mannered bookkeeper who went to night school to get his training in accounting and bookkeeping, emphasizes education in response to the question: "Do you think it's easy or hard to get from one class to another?"

> Well, I think it's hard because . . . not because of the class itself, or what the influence they have on you, but you just seem to reach a certain point, and if you don't have it, you just don't—you don't make the grade. I've found that to be true. I always seem to be one step away from a good spot. And it's no one's fault—it's my fault. I just don't have the education—just don't—just don't have what it takes to take that step.

And Sokolsky, a machine operator and part-time janitor, says, in his justification of income differences:

> A man that gets out of eighth grade—I don't think he would have the ability to do the job as a man that got out of college.

But later, he says, of politicians and businessmen:

> If a man with more education has been in politics, he should get the job, but if there's a man that, let's say, just got out of high school, and he's been around in politics all his life, I think he should have a chance too. It's how good he is. There's some big business people who just haven't got it. [But] there could be some men with a gift of gab—maybe just out of eighth grade—they could sell anything.

What is it about education that justifies differences in income? In the above interviews it is clear that education is thought to increase skills which should be suitably rewarded. Furthermore, it appears that the time necessary for educational preparation deserves some reward—a recurrent theme. With education goes responsibility—and responsibility should be rewarded. But there is also some suggestion in the interview material that the pain and hard (unpleasant) work associated with going to school deserves compensation. People who did not like school themselves may be paying homage to those who could stick it out. It is a question whether O'Hara, a maintenance oiler, implies this when he says:

> I think a person that is educated deserves more than somebody that isn't. Somebody who really works for his money really deserves it more than somebody that's lazy and just wants to hang around.

In this and other ways, education serves as a peg on which to hang status; and, like "blood," whether a person got the education or not is not his "fault," or at least it is only the fault of an irresponsible youth, not a grown man.[6]

The lower classes deserve no better than they get. By and large those in the lower orders are those who are paid daily (not weekly) or are on relief; they live in slums or in public housing projects (but not middle income projects); they do not live respectable lives; they have only grammar school education; they may have no regular jobs. Closer to home, those slightly lower in status are people like "The lady next door who has a little less than I have," the man who can't afford to take care of his kids properly in the project, people who spend their money on liquor, the person with less skill in the same line of work.

The rationale for their lower status turns chiefly on two things: their lack of education and therefore failure to know what they want or failure to understand lifesmanship, and their general indifference. It is particularly this "not caring" which seems so salient in the upper working class mind. This is consonant with the general view that success is a triumph of the will and a reflection of ability. Poverty is for lazy people, just as middle status is for struggling people. Thus Ruggiero, an office building maintenance man, accounts for poverty by saying: "There's laziness, you'll always have lazy people." De Angelo, a factory operative, sees it this way:

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[6] Contrast de Tocqueville: "I never met in America a citizen so poor as not to cast a glance of hope and envy on the enjoyments of the rich or whose imagination did not possess itself by anticipation of those good things that fate still obstinately withheld from him." *Democracy in America* (New York: Vintage ed.), Vol. II, p. 137.

> A guy gets married and, you know, he's not educated too well, he doesn't have a good job and he gets a large family and he's in bad shape, y'know what I mean. It's tough; he's got to live in a lousy rent—he can't afford anything better.

But De Angelo takes away some of this sympathy the next moment when he goes on to say:

> But then you get a lot of people who don't want to work; you got welfare. People will go on living on that welfare—they're happier than hell. Why should they work if the city will support them?

In general, there is little sympathy given to those lower in the scale, little reference to the overpowering forces of circumstance, only rare mention of sickness, death of a breadwinner, senility, factories moving out of town, and so forth. The only major cause of poverty to which no moral blame attaches is depression or "unemployment"—but this is not considered a strikingly important cause in the minds of my clients. They are Christian in the sense that they believe "The poor ye have with you always," but there is no trace of a belief that the poor are in any way "blessed."

VII. WHAT IF THERE WERE GREATER EQUALITY OF OPPORTUNITY AND INCOME?

We have examined here the working (and lower middle) class defenses of the present order. They are well organized and solidly built. By and large these people believe that the field is open, merit will tell. They may then deprecate the importance of class, limit their perspectives, accept their situation reluctantly or with satisfaction. They may see the benefits of society flowing to their own class, however they define it. They tend to believe that each person's status is in some way deserved.

How would these lower middle and working class men feel about a change in the social order such that they and their friends might suddenly be equal to others now higher or lower in the social order? Most of them wouldn't like it. They would fear and resent this kind of equality.

Abandonment of a rationale. Changing ideas is a strain not to be lightly incurred, particularly when these ideas are intimately related to one's self-esteem. The less education one has, the harder it is to change such ideas. Painfully these men have elaborated an explanation for their situation in life; it helps explain things to their wives who take their status from them; it permits their growing children to account for relative social status in school; it offers to each man the satisfactions of social identity and a measure of social worth. Their rationales are endowed with moral qualities; the distribution of values in the society is seen as just and natural. While it gives satisfactions of an obvious kind to those who contemplate those beneath them, it also gives order and a kind of reassurance, oddly enough, to those who glance upwards towards "society" or "the four hundred." This reassurance is not unlike the reassurance provided by the belief in a Just God while injustices rain upon one's head. The feudal serf, the Polish peasant, the Mexican peon believed that theirs was a moral and a "natural order"—so also the American working man.

The problem of social adjustment. Equality would pose problems of social adjustments, of manners, of how to behave. Here is Sokolsky, unprepossessing, uneducated, and nervous, with a more prosperous brother in the same town. "I'm not going to go over there," he says, "because every time I go there I feel uncomfortable." On the question of rising from one social class to another, his views reflect this personal situation:

> I think it's hard. Let's say—let's take me, for instance. Supposing I came into a lot of money, and I moved into a nice neighborhood—class—maybe I wouldn't know how to act then. I think it's very hard, because people know that you just—word gets around that you . . . never had it before you got it now. Well, maybe they wouldn't like you . . . maybe you don't know how to act.

The kind of equality with others which would mean a rapid rise in his own status is a matter of concern, mixed, of course, with pleasant anticipation at the thought of "telling off" his brother.

Consider the possibility of social equality including genuine fraternization, without economic equality. Sullivan, a railroad fireman, deals with this in graphic terms:

> What is the basis of social class? Well, things that people have in common . . . Money is one, for instance, like I wouldn't feel very comfortable going around with a millionaire, we'll say . . . He could do a lot and say a lot—mention places he'd been and so on—I mean I wouldn't be able to keep up with him . . . and he wouldn't have to watch his money, and I'd have to be pinching mine to see if I had enough for another beer, or something.

And, along the lines of Sokolsky's comments, Sullivan believes that moving upwards in the social scale is easier if one moves to a new place where one has not been known in the old connection. Flynn holds that having the right interests and conversational topics for the new and higher social group will make it possible—but otherwise it could be painful. Kuchinsky, the house painter, says "I suppose it would feel funny to get into a higher class, but I don't believe I would change. I wouldn't just disregard my friends if I came into any money." Clinging to old friends would give some security in that dazzling new world.

De Angelo, a factory operative, also considers the question of whether the higher status people will accept the *arriviste*, but for himself, he dismisses it:

> I wouldn't worry much about whether they would accept or they wouldn't accept. I would move into another class. I mean—I mean—I don't worry much about that stuff. If people don't want to bother with me, I don't bother with them, that's all.

These fears, while plausible and all too human on the face of it, emerged unexpectedly from the interview material designed to capture ideas and emotions on other aspects of class status. They highlight a resistance to equalitarian movements that might bring the working class and this rejecting superior class—whether it is imaginary or not—in close association. If these were revolutionaries, one might phrase their anxieties: "Will my victims accept me?" But they are not revolutionaries.

These are problems of rising in status to meet the upper classes face to face. But there is another risk in opening the gates so that those of moderate circumstances can rise to higher status. Equality of opportunity, it appears, is inherently dangerous in this respect: there is the risk that friends, neighbors, or subordinates will surpass one in status. O'Hara has this on his mind. Some of the people who rise in status are nice, but:

> You get other ones, the minute they get a little, they get big-headed and they think they're better than the other ones—where they're still—to me they're worse than the middle class. I mean, they should get down, because they're just showing their illiteracy—that's all they're doing.

Sokolsky worries about this possibility, too, having been exposed to the slights of his brother's family. But the worry over being passed by is not important, not salient. It is only rarely mentioned.

Deprivation of a meritorious elite. It is comforting to have the "natural leaders" of a society well entrenched in their proper place. If there were equality there would no longer be such an elite to supervise and take care of people—especially "me." Thus Woodside, our policeman, reports:

> I think anybody that has money—I think their interest is much wider than the regular working man. . . . And therefore I think that the man with the money is a little bit more educated, for the simple reason he has the money, and he has a much wider view of life—because he's in the knowledge of it all the time.

Here and elsewhere in the interview, one senses that Woodside is glad to have such educated, broad-gauged men in eminent positions. He certainly opposes the notion of equality of income. Something similar creeps into Johnson's discussion of social classes. He feels that the upper classes, who "seem to be very nice people," are "willing to lend a helping hand—to listen to you. I would say they'd help you out more than the middle class [man] would help you out even if he was in a position to help you out." Equality, then, would deprive society, and oneself, of a group of friendly, wise, and helpful people who occupy the social eminences.

The loss of the goals of life. But most important of all, equality, at least equality of income, would deprive people of the goals of life. Every one of the fifteen clients with whom I spent my evenings for seven months believed that equality of income would deprive men of their incentive to work, achieve, and develop their skills. These answers ranged, in their sophistication and approach, across a broad field. The most highly educated man in the sample, Farrel, answers the question "How would you feel if everyone received the same income in our society?" by saying:

> I think it would be kind of silly . . . Society, by using income as a reward technique, can often insure that the individuals will put forth their best efforts.

He does not believe, for himself, that status or income are central to motivation—but for others, they are. Woodside, our policeman, whose main concern is not the vistas of wealth and opportunity of the American dream, but rather whether he can get a good pension if he should have to retire early, comes forward as follows:

> I'd say that [equal income]—that is something that's pretty—I think it would be a dull thing, because life would be accepted—or it would—rather we'd go stale. There would be no initiative to be a little different, or go ahead.

Like Woodside, Flynn, a white collar worker, responds with a feeling of personal loss—the idea of such an equality of income would make him feel "very mad." Costa, whose ambitions in life are most modest, holds that equality of income "would eliminate the basic thing about the wonderful opportunity you have in this country." Then, for a moment the notion of his income equalling that of the professional man passes pleasantly through his mind: "don't misunderstand me—I like the idea"; then again, "I think it eliminates the main reason why people become engineers and professors and doctors."

Rapuano, whose worries have given him ulcers, projects himself into a situation where everyone receives the same income, in this case a high one:

> If everyone had the same income of a man that's earning $50,000 a year, and he went to, let's say 10 years of college to do that, why hell, I'd just as soon sit on my ass as go to college and wait till I could earn $50,000 a year, too. Of course, what the hell am I going to do to earn $50,000 a year—now that's another question.

But however the question is answered, he is clear that guaranteed equal incomes would encourage people to sit around on their anatomy and wait for their pay checks. But he would like to see some levelling, particularly if doctors, whom he hates, were to have their fees and incomes substantially reduced.

That these sacrifices shall not have been in vain. The men I talked to were not at the bottom of the scale; not at all. They were stable breadwinners, churchgoers, voters, family men. They achieved this position in life through hard work and sometimes bitter sacrifices. They are distinguished from the lower classes through their initiative, zeal and responsibility, their willingness and ability to postpone pleasures or to forego them entirely. In their control of impulse and desire they have absorbed the Protestant ethic. At least six of them have two jobs and almost no leisure. In answering questions on "the last time you remember having a specially good time" some of them must go back ten to fifteen years. Nor are their good times remarkable for their spontaneous fun and enjoyment of life. Many of them do not like their jobs, but stick to them because of their family responsibilities—and they do not know what else they would rather do. In short, they have sacrificed their hedonistic inclinations, given up good times, expended their energy and resources in order to achieve and maintain their present tenuous hold on respectability and middle status.

Now in such a situation to suggest that men be equalized and the lower orders raised and one's own hard-earned status given to them as a right and not a reward for effort, seems to them desperately wrong. In the words of my research assistant, David Sears, "Suppose the Marshall Plan had provided a block and tackle for Sisyphus after all these years. How do you think he would have felt?" Sokolsky, Woodside, and Dempsey have rolled the stone to the top of the hill so long, they despise the suggestion that it might have been in vain. Or even worse, that their neighbors at the foot of the hill might have the use of a block and tackle.

The world would collapse. As a corollary to the view that life would lose its vigor and its savor with equality of income, there is the image of an equalitarian society as a world running down, a chaotic and disorganized place to live. The professions would be decimated: "People pursue the higher educational levels for a reason—there's a lot of rewards, either financial or social," says Costa. Sullivan says, "Why should people take the headaches of responsible jobs if the pay didn't meet the responsibilities?" For the general society, Flynn, a white collar man, believes that "if there were no monetary incentive involved, I think there'd be a complete loss. It would stop all development—there's no doubt about it." McNamara, a bookkeeper, sees people then reduced to a dead level of worth: with equal income "the efforts would be equal and pretty soon we would be worth the same thing." In two contrasting views, both suggesting economic disorganization, Woodside believes "I think you'd find too many men digging ditches, and no doctors," while Rapuano believes men would fail to dig ditches or sewers "and where the hell would we be when we wanted to go to the toilet?"

Only a few took up the possible inference that this was an attractive, but impractical ideal—and almost none followed up the suggestion that some equalization of income, if not complete equality, would be desirable. The fact of the matter is that these men, by and large, prefer an inequalitarian society, and even prefer a society graced by some men of great wealth. As they look out upon the social scene, they feel that an equalitarian society would present them with too many problems of moral adjustment, inter-personal social adjustment, and motivational adjustment which they fear and dislike. But perhaps, most important, their life goals are structured around achievement and success in monetary terms. If these were taken away, life would be a desert. These men view the possibility of an equalitarian world as a paraphrased version of Swinburne's lines on Jesus Christ, "Thou hast conquered, oh pale equalitarian, and the world has grown gray with thy breath."

VIII. SOME THEORETICAL IMPLICATIONS

Like any findings on the nature of men's social attitudes and beliefs, even in such a culture-bound inquiry as this one, the new information implies certain theoretical propositions which may be incorporated into the main body of political theory. Let us consider seven such propositions growing more or less directly out of our findings on the fear of equality:

(1) The greater the emphasis in a society upon the availability of "equal opportunity for all," the greater the need for members of that society to develop an acceptable rationalization for their own social status.

(2) The greater the strain on a person's self-esteem implied by a relatively low status in an open society, the greater the necessity to explain this status as "natural" and "proper" in the social order. Lower status people generally find it less punishing to think of themselves as correctly placed by a just society than to think of themselves as exploited, or victimized by an unjust society.

(3) The greater the emphasis in a society upon equality of opportunity, the greater the tendency for those of marginal status to denigrate those lower than themselves. This view seems to such people to have the factual or even moral justification that if the lower classes "cared" enough they could be better off.

It has a psychological "justification" in that it draws attention to one's own relatively better status and one's own relatively greater initiative and virtue.

(4) People tend to care less about *equality* of opportunity than about the availability of *some* opportunity. Men do not need the same life chances as everybody else, indeed they usually care very little about that. They need only chances (preferably with unknown odds) for a slightly better life than they now have. Thus: Popular satisfaction with one's own status is related less to equality of opportunity than to the breadth of distribution of some opportunity for all, however unequal this distribution may be. A man who can improve his position one rung does not resent the man who starts on a different ladder half way up.

These propositions are conservative in their implications. The psychological roots of this conservatism must be explored elsewhere, as must the many exceptions which may be observed when the fabric of a social order is so torn that the leaders, the rich and powerful, are seen as illegitimate—and hence "appropriately" interpreted as exploiters of the poor. I maintain, however, that these propositions hold generally for the American culture over most of its history—and also, that the propositions hold for most of the world most of the time. This is so even though they fly in the face of much social theory—theory often generalized from more specialized studies of radicalism and revolution. Incidentally, one must observe that it is as important to explain why revolutions and radical social movements do *not* happen as it is to explain why they do.

The more I observed the psychological and physical drain placed upon my sample by the pressures to consume—and therefore to scratch in the corners of the economy for extra income—the more it appeared that competitive consumption was not a stimulus to class conflict, as might have been expected, but was a substitute for or a sublimation of it. Thus we would say:

(5) The more emphasis a society places upon consumption—through advertising, development of new products, and easy installment buying—the more will social dissatisfaction be channeled into intra-class consumption rivalry instead of inter-class resentment and conflict. The Great American Medicine Show creates consumer unrest, working wives, and dual-job-holding, not antagonism toward the "owning classes."

As a corollary of this view: (6) The more emphasis a society places upon consumption, the more will labor unions focus upon the "bread and butter" aspects of unionism, as contrasted to its ideological elements.

We come, finally, to a hypothesis which arises from this inquiry into the fear of equality but goes much beyond the focus of the present study. I mention it here in a speculative frame of mind, undogmatically, and even regretfully:

(7) The ideals of the French Revolution, liberty and equality, have been advanced because of the accidental correspondence between these ideals and needs of the bourgeoisie for freedom of economic action and the demands of the working class, very simply, for "more." Ideas have an autonomy of their own, however, in the sense that once moralized they persist even if the social

forces which brought them to the fore decline in strength. They become "myths"—but myths erode without support from some major social stratum. Neither the commercial classes nor the working classes, the historical beneficiaries of these two moralized ideas (ideals or myths), have much affection for the ideals in their universal forms. On the other hand, the professional classes, particularly the lawyers, ministers, and teachers of a society, very often do have such an affection. It is they, in the democratic West, who serve as the "hard core" of democratic defenders, in so far as there is one. It is they, more frequently than others, who are supportive of the generalized application of the ideals of freedom and equality to all men. This is not virtue, but rather a different organization of interests and a different training. Whatever the reason, however, it is not to "The People," not to the business class, not to the working class, that we must look for the consistent and relatively unqualified defense of freedom and equality. The professional class, at least in the American culture, serves as the staunchest defender of democracy's two greatest ideals.

DEMOCRACY AND *THE FEDERALIST:* A RECONSIDERATION OF THE FRAMERS' INTENT*

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It has been a common teaching among modern historians of the guiding ideas in the foundation of our government that the Constitution of the United States embodied a reaction against the democratic principles espoused in the Declaration of Independence. This view has largely been accepted by political scientists and has therefore had important consequences for the way American political development has been studied. I shall present here a contrary view of the political theory of the Framers and examine some of its consequences.

What is the relevance of the political thought of the Founding Fathers to an understanding of contemporary problems of liberty and justice? Four possible ways of looking at the Founding Fathers immediately suggest themselves. First, it may be that they possessed wisdom, a set of political principles still inherently adequate, and needing only to be supplemented by skill in their proper contemporary application. Second, it may be that, while the Founding Fathers' principles are still sound, they are applicable only to a part of our problems, but not to that part which is peculiarly modern; and thus new principles are needed to be joined together with the old ones. Third, it may be that the Founding Fathers have simply become; they dealt with bygone problems and their principles were relevant only to those old problems. Fourth, they may have been wrong or radically inadequate even for their own time.

Each of these four possible conclusions requires the same foundation: an understanding of the political thought of the Founding Fathers. To decide whether to apply their wisdom, or to add to their wisdom, or to reject it as irrelevant or as unwise, it is absolutely necessary to understand what they said, why they said it, and what they meant by it. At the same time, however, to understand their claim to wisdom is to evaluate it: to know wherein they were wise and wherein they were not, or wherein (and why) their wisdom is unavailing for our problems. Moreover, even if it turns out that our modern problems require wholly new principles for their solution, an excellent way to discover those new principles would be to see what it is about modernity that has outmoded the principles of the Founding Fathers. For example, it is possible that modern developments are themselves partly the outcome of the particular attempt to solve the problem of freedom and justice upon which this country was founded. That is, our modern difficulties may testify to fundamental errors in the thought of the Founding Fathers; and, in the process of discerning those errors, we may discover what better principles would be.

The solution of our contemporary problems requires very great wisdom indeed. And in that fact lies the greatest justification for studying anew the political thought of the Founding Fathers. For that thought remains the finest American thought on political matters. In studying them we may raise ourselves to their level. In achieving their level we may free ourselves from limitations that, ironically, they tend to impose upon us, *i.e.*, insofar as we tend to be creatures of the society they founded. And in so freeing ourselves we may be enabled, if it is necessary, to go beyond their wisdom. The Founding Fathers still loom so large in our life that the contemporary political problem of liberty and justice for Americans could be stated as the need to choose whether to apply their wisdom, amend their wisdom, or reject it. Only an understanding of them will tell us how to choose.

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For the reflections on the Fathers which follow, I employ chiefly *The Federalist* as the clue to the political theory upon which rested the founding of the American Republic. That this would be inadequate for a systematic study of the Founding Fathers goes without saying. But it is the one book, "to which," as Jefferson wrote in 1825, "appeal is habitually made by all, and rarely declined or denied by any as evidence of the general opinion of those who framed and of those who accepted the Constitution of the United States, on questions as to its genuine meaning." As such it is the indispensable starting point for systematic study.

I

Our major political problems today are problems of democracy; and, as much as anything else, the *Federalist* papers are a teaching about democracy. The conclusion of one of the most important of these papers states what is also the most important theme in the entire work: the necessity for "a republican remedy for the diseases most incident to republican government."[1] The theme is clearly repeated in a passage where Thomas Jefferson is praised for displaying equally "a fervent attachment to republican government and an enlightened view of the dangerous propensities against which it ought to be guarded."[2] *The Federalist*, thus, stresses its commitment to republican or popular government, but, of course, insists that this must be an enlightened commitment.

But *The Federalist* and the Founding Fathers generally have not been taken at their word. Predominantly, they are understood as being only quasi- or even anti-democrats. Modern American historical writing, at least until very recently, has generally seen the Constitution as some sort of apostasy from, or reaction to, the radically democratic implications of the Declaration of Independence—a reaction that was undone by the great "democratic breakthroughs" of Jeffersonianism, Jacksonianism, etc. This view, I believe, involves a false understanding of the crucial political issues involved in the founding of the American Republic. Further, it is based implicitly upon a questionable modern approach to democracy and has tended to have the effect, moreover, of relegating the political teaching of the Founding Fathers to the pre-democratic past and thus of making it of no vital concern to moderns. The Founding

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[1] *Federalist*, No. 10, p. 62. All references are to the Modern Library edition, ed. E. M. Earle.

[2] *Federalist*, No. 49, p. 327.

Fathers themselves repeatedly stressed that their Constitution was wholly consistent with the true principles of republican or popular government. The prevailing modern opinion, in varying degrees and in different ways, rejects that claim. It thus becomes important to understand what was the relation of the Founding Fathers to popular government or democracy.

I have deliberately used interchangeably their terms, "popular government" and "democracy." The Founding Fathers, of course, did not use the terms entirely synonymously and the idea that they were less than "democrats" has been fortified by the fact that they sometimes defined "democracy" invidiously in comparison with "republic." But this fact does not really justify the opinion. For their basic view was that *popular government was the genus, and democracy and republic were two species* of that genus of government. What distinguished popular government from other genera of government was that in it, political authority is "derived from the great body of the society, not from . . . [any] favoured class of it."[3] With respect to this decisive question, of where political authority is lodged, democracy and republic—as *The Federalist* uses the terms—differ not in the least. Republics, equally with democracies, may claim to be wholly a form of popular government. This is neither to deny the difference between the two, nor to depreciate the importance *The Federalist* attached to the difference; but in *The Federalist's* view, the difference does not relate to the essential principle of popular government. Democracy means in *The Federalist* that form of popular government where the citizens "assemble and administer the government in person."[4] Republics differ in that the people rule through representatives and, of course, in the consequences of that difference. The crucial point is that republics and democracies are equally forms of popular government, but that the one form is vastly preferable to the other because of the substantive consequences of the difference in form. Those historians who consider the Founding Fathers as less than "democrats," miss or reject the Founders' central contention that, while being perfectly faithful to the *principle* of popular government, they had solved the *problem* of popular government.

In what way is the Constitution ordinarily thought to be less democratic than the Declaration? The argument is usually that the former is characterized by fear of the people, by preoccupation with minority interests and rights, and by measures therefore taken against the power of majorities. The Declaration, it is true, does not display these features, but this is no proof of a fundamental difference of principle between the two. Is it not obviously possible that the difference is due only to a difference in the tasks to which the two documents were addressed? And is it not further possible that the democratic principles of the Declaration are not only compatible with the prophylactic measures of the Constitution, but actually imply them?

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[3] *Federalist*, No. 39, p. 244. Here Madison speaks explicitly of the republican form of government. But see on the same page how Madison compares the republican form with "every *other popular* government." Regarding the crucial question of the lodgement of political authority, Madison speaks of republic, democracy and popular government interchangeably. Consider that, in the very paper where he distinguishes so precisely between democracies and republics regarding direct versus representative rule, Madison defines his general aim both as a search for "a republican remedy" for republican diseases *and* a remedy that will "preserve the spirit and the form of *popular* government." (p. 58.) Interestingly, on June 6 at the Federal Convention, Madison's phrasing for a similar problem was the search for "the only defense against the inconveniences of democracy consistent with the *democratic* form of government." Madison, *Writings*, ed. G. Hunt, Vol. 3 (G. P. Putnam's Sons, New York, 1902), p. 103. Italics supplied throughout.

[4] *Federalist*, No. 10, p. 58.

The Declaration of Independence formulates two criteria for judging whether any government is good, or indeed legitimate. Good government must rest, procedurally, upon the consent of the governed. Good government, substantively, must do only certain things, *e.g.*, secure certain rights. This may be stated another way by borrowing a phrase from Locke, appropriate enough when discussing the Declaration. That "the people shall be judge" is of the essence of democracy, is its peculiar form or method of proceeding. That the people shall judge rightly is the substantive problem of democracy. But whether the procedure will bring about the substance is problematic. Between the Declaration's two criteria, then, a tension exists: consent can be given or obtained for governmental actions which are not right—at least as the men of 1776 saw the right. (To give an obvious example from their point of view: the people may freely but wrongly vote away the protection due to property.) Thus the Declaration clearly contained, although it did not resolve, a fundamental problem. Solving the problem was not its task; that was the task for the framers of the Constitution. But the man who wrote the Declaration of Independence and the leading men who supported it were perfectly aware of the difficulty, and of the necessity for a "republican remedy."

What the text of the Declaration, taken alone, tells of its meaning may easily be substantiated by the testimony of its author and supporters. Consider only that Jefferson, with no known change of heart at all, said of *The Federalist* that it was "the best commentary on the principles of government which was ever written."[5] Jefferson, it must be remembered, came firmly to recommend the adoption of the Constitution, his criticisms of it having come down only to a proposal for rotation in the Presidency and for the subsequent adoption of a bill of rights. I do not, of course, deny the peculiar character of "Jeffersonianism" nor the importance to many things of its proper understanding. I only state here that it is certain that Jefferson, unlike later historians, did not view the Constitution as a retrogression from democracy. Or further, consider that John Adams, now celebrated as America's great conservative, was so enthusiastic about Jefferson's draft of the Declaration as to wish on his own account that hardly a word be changed. And this same Adams, also without any change of heart and without complaint, accepted the Constitution as embodying many of his own views on government.

The idea that the Constitution was a falling back from the fuller democracy of the Declaration thus rests in part upon a false reading of the Declaration as free from the concerns regarding democracy that the framers of the Constitution felt. Perhaps only those would so read it who take for granted a perfect, self-subsisting harmony between consent (equality) and the proper aim of government (justice), or between consent and individual rights (liberty). This assumption was utterly foreign to the leading men of the Declaration.

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[5] *The Works of Thomas Jefferson*, ed. Paul L. Ford (The Federal Edition), Vol. 5 (G. P. Putnam's Sons, New York, 1904), p. 434.

II

The Declaration has wrongly been converted into, as it were, a super-democratic document; has the Constitution wrongly been converted in the modern view into an insufficiently democratic document? The only basis for depreciating the democratic character of the Constitution lies in its framers' apprehensive diagnosis of the "diseases," "defects" or "evil propensities" of democracy, and in their remedies. But if what the Founders considered to be defects *are* genuine defects, and if the remedies, without violating the principles of popular government, *are* genuine remedies, then it would be unreasonable to call the Founders anti- or quasi-democrats. Rather, they would be the wise partisans of democracy; a man is not a better democrat but only a foolish democrat if he ignores real defects inherent in popular government. Thus, the question becomes: are there natural defects to democracy and, if there are, what are the best remedies?

In part, the Founding Fathers answered this question by employing a traditional mode of political analysis. They believed there were several basic possible regimes, each having several possible forms. Of these possible regimes they believed the best, or at least the best for America, to be popular government, but only if purged of its defects. At any rate, an unpurged popular government they believed to be indefensible. They believed there were several forms of popular government, crucial among these direct democracy and republican—or representative—government (the latter perhaps divisible into two distinct forms, large and small republics). Their constitution and their defense of it constitute an argument for that form of popular government (large republic) in which the "evil propensities" would be weakest or most susceptible of remedy.

The whole of the thought of the Founding Fathers is intelligible and, especially, the evaluation of their claim to be wise partisans of popular government is possible, only if the words *"disease," "defect,"* and *"evil propensity"* are allowed their full force. Unlike modern "value-free" social scientists, the Founding Fathers believed that true knowledge of the good and bad in human conduct was possible, and that they themselves possessed sufficient knowledge to discern the really grave defects of popular government and their proper remedies. The modern relativistic or positivistic theories, implicitly employed by most commentators on the Founding Fathers, deny the possibility of such true knowledge and therefore deny that the Founding Fathers *could* have been actuated by knowledge of the good rather than by passion or interest. (I deliberately employ the language of *Federalist* No. 10. Madison defined faction, in part, as a group "united and actuated by . . . passion, or . . . interest." That is, factions are groups *not*—as presumably the authors of *The Federalist* were—actuated by reason.) How this modern view of the value problem supports the conception of the Constitution as less democratic than the Declaration is clear. The Founding Fathers did in fact seek to prejudice the outcome of democracy; they sought to alter, by certain restraints, the likelihood that the majority would decide certain political issues in bad ways. These restraints the Founders justified as mitigating the natural defects of democracy. But, say the moderns, there are no "bad" political decisions, wrong-in-themselves, from reaching which the majority ought to be restrained. Therefore, ultimately, nothing other than the specific interests of the Founders can explain their zeal in restraining democracy. And inasmuch as the restraints were typically placed on the many in the interest of the propertied, the departure of the Constitution is "anti-democratic" or "thermidorean." In short, according to this view, there cannot be what the Founders claimed to possess, "an *enlightened* view of the dangerous propensities against which [popular government] . . . ought to be guarded," the substantive goodness or badness of such propensities being a matter of opinion or taste on which reason can shed no light.

What are some of the arrangements which have been considered signs of "undemocratic" features of the Constitution? The process by which the Constitution may be amended is often cited in evidence. Everyone is familiar with the arithmetic which shows that a remarkably small minority could prevent passage of a constitutional amendment supported by an overwhelming majority of the people. That is, bare majorities in the thirteen least populous states could prevent passage of an amendment desired by overwhelming majorities in the thirty-six most populous states. But let us, for a reason to be made clear in a moment, turn that arithmetic around. Bare majorities in the thirty-seven least populous states can pass amendments against the opposition of overwhelming majorities in the twelve most populous states. And this would mean in actual votes today (and would have meant for the thirteen original states) constitutional amendment by a minority against the opposition of a majority of citizens. My point is simply that, while the amending procedure does involve qualified majorities, the qualification is not of the kind that requires an especially large numerical majority for action.

I suggest that the real aim and practical effect of the complicated amending procedure was not at all to give power to minorities, but to ensure that passage of an amendment would require a *nationally* distributed majority, though one that legally could consist of a bare numerical majority. It was only adventitious that the procedure has the theoretical possibility of a minority blocking (or passing) an amendment. The aim of requiring nationally distributed majorities was, I think, to ensure that no amendment could be passed simply with the support of the few states or sections sufficiently numerous to provide a bare majority. No doubt it was also believed that it would be difficult for such a national majority to form or become effective save for the decent purposes that could command national agreement, and this difficulty was surely deemed a great virtue of the amending process. This is what I think *The Federalist* really means when it praises the amending process and says that "it guards equally against that extreme facility, which would render the Constitution too mutable;

and that extreme difficulty, which might perpetuate its discovered faults."[6] All I wish to emphasize here is that the actual method adopted, with respect to the numerical size of majorities, is meant to leave all legal power in the hands of ordinary majorities so long as they are national majorities. The departure from simple majoritarianism is, at least, not in an oligarchic or aristocratic direction. In this crucial respect, the amending procedure does conform strictly to the principles of republican (popular) government.

Consider next the suffrage question. It has long been assumed as proof of an anti-democratic element in the Constitution that the Founding Fathers depended for the working of their Constitution upon a substantially limited franchise. Just as the Constitution allegedly was ratified by a highly qualified electorate, so too, it is held, was the new government to be based upon a suffrage subject to substantial property qualifications. This view has only recently been seriously challenged, especially by Robert E. Brown, whose detailed researches convince him that the property qualifications in nearly all the original states were probably so small as to exclude never more than twenty-five per cent, and in most cases as little as only five to ten per cent, of the adult white male population.[6a] That is, the property qualifications were not designed to exclude the mass of the poor but only the small proportion which lacked a concrete—however small—stakein society, *i.e.*, primarily the transients or "idlers."

The Constitution, of course, left the suffrage question to the decision of the individual states. What is the implication of that fact for deciding what sort of suffrage the Framers had in mind? The immediately popular branch of the national legislature was to be elected by voters who "shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." The mode of election to the electoral college for the Presidency and to the Senate is also left to "be prescribed in each State by the legislature thereof." At a minimum, it may be stated that the Framers did not themselves attempt to reduce, or prevent the expansion of, the suffrage; that question was left wholly to the states—and these were, ironically, the very hotbeds of post-revolutionary democracy from the rule of which it is familiarly alleged that the Founders sought to escape.[7]

In general, the conclusion seems inescapable that the states had a far broader suffrage than is ordinarily thought, and nothing in the actions of the Framers suggests any expectation or prospect of the reduction of the suffrage. Again, as in the question of the amending process, I suggest that the Constitution represented no departure whatsoever from the democratic standards of the Revolutionary period, or from any democratic standards then generally recognized.[8]

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[6] *Federalist*, No. 43, p. 286.

[6a] *Middle Class Democracy and the Revolution in Massachusetts, 1691–1780.* (Cornell University Press, Ithaca, 1955).

[7] Madison must have thought that he had established this point beyond misinterpretation in *The Federalist*, No. 57. "Who are to be the electors of the federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States. They are to be the same who exercise the right in every State of electing the corresponding branch of the legislature of the State." (p. 371.)

What of the Senate? The organization of the Senate, its term of office and its staggered mode of replacement, its election by state legislatures rather than directly by the people, among other things, have been used to demonstrate the undemocratic character of the Senate as intended by the Framers. Was this not a device to represent property and not people, and was it not intended therefore to be a non-popular element in the government? I suggest, on the contrary, that the really important thing is that the Framers thought they had found a way to protect property *without* representing it. That the Founders intended the Senate to be one of the crucial devices for remedying the defects of democracy is certainly true. But *The Federalist* argues that the Senate, as actually proposed in the Constitution, was calculated to be such a device as would operate only in a way that "will consist . . . with the genuine principles of republican government."[9] I believe that the claim is just.

Rather than viewing the Senate from the perspective of modern experience and opinions, consider how radically democratic the Senate appears when viewed from a pre-modern perspective. The model of a divided legislature that the Founders had most in mind was probably the English Parliament. There the House of Lords was thought to provide some of the beneficial checks upon the popular Commons which it was hoped the Senate would supply in the American Constitution. But the American Senate was to possess none of the qualities which permitted the House of Lords to fulfill its role; *i.e.*, its hereditary basis, or membership upon election by the Crown, or any of its other aristocratic characteristics.[10] Yet the Founding Fathers knew that the advantages of having both a Senate and a House would "be in proportion to the dissimilarity in the genius of the two bodies."[11] What is remarkable is that, in seeking to secure this dissimilarity, they did not in any respect go beyond the limits permitted by the "genuine principles of republican government."

Not only is this dramatically demonstrated in comparison with the English House of Lords, but also in comparison with all earlier theory regarding the division of the legislative power. The aim of such a division in earlier thought is to secure a balance between the aristocratic and democratic elements of a polity. This is connected with the pre-modern preference for a *mixed* republic, which was rejected by the Founders in favor of a *democratic* republic. And the traditional way to secure this balance or mixture was to give one house or office to the suffrages of the few and one to the suffrages of the many. Nothing of the kind is involved in the American Senate. Indeed, on this issue, so often cited as evidence of the Founders' undemocratic predilections, the very opposite is the case. The Senate is a constitutional device which *par excellence* reveals the strategy of the Founders. They wanted something like the advantages earlier thinkers had seen in a mixed legislative power, but they thought this was possible (and perhaps preferable) without any introduction whatsoever of aristocratic power into their system. What pre-modern thought had seen in an aristocratic senate—wisdom, nobility, manners, religion, etc.—the Founding Fathers converted into stability, enlightened self-interest, a "temperate and respectable body of citizens." The qualities of a senate having thus been altered (involving perhaps comparable changes in the notion of the ends of government), it became possible to secure these advantages through a Senate based wholly upon popular principles. Or so I would characterize a Senate whose membership required no property qualification and which was appointed (or elected in the manner prescribed) by State legislatures which, in their own turn, were elected annually or biennially by a nearly universal manhood suffrage.

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[8] This is not to deny the importance of the existing property qualifications for the understanding of the Founders' political theory. The legal exclusion from the franchise of even a very small portion of the adult population may have enormous significance for the politics and life of a country. This is obvious in the case of a racial, ethnic or religious minority. And the exclusion of otherwise eligible adult males on the grounds of poverty may be equally important. The property qualification clearly praises and rewards certain virtues, implies that the voter must possess certain qualities to warrant his exercise of the franchise, and aims at excluding a "rabble" from the operations of political parties. But important, therefore, as the property qualification was, it does not demonstrate that the Founding Fathers departed radically from the most important aspects of the principle of majority rule.

[9] *Federalist*, No. 62, p. 403.

[10] *Federalist*, No. 63, p. 415.

[11] *Federalist*, No. 62, p. 403.

The great claim of *The Federalist* is that the Constitution represents the fulfillment of a truly novel experiment, of "a revolution which has no parallel in the annals of society," and which is decisive for the happiness of "the whole human race."[12] And the novelty, I argue, consisted in solving the problems of popular government by means which yet maintain the government "wholly popular."[13] In defending that claim against the idea of the Constitution as a retreat from democracy I have dealt thus far only with the easier task: the demonstration that the constitutional devices and arrangements do not derogate from the legal power of majorities to rule. What remains is to examine the claim that the Constitution did in fact remedy the natural defects of democracy. Before any effort is made in this direction, it may be useful to summarize some of the implications and possible utility of the analysis thus far.

Above all, the merit of the suggestions I have made, if they are accurate in describing the intention and action of the Founders, is that it makes the Founders available to us for the study of modern problems. I have tried to restore to them their *bona fides* as partisans of democracy. This done, we may take seriously the question whether they were, as they claimed to be, wise partisans of democracy or popular government. If they were partisans of democracy and if the regime they created was decisively democratic, then they speak to us not merely about bygone problems, not from a viewpoint—in this regard—radically different from our own, but as men addressing themselves to problems identical in principle with our own. They are a source from within our own heritage which teaches us the way to put the question to democracy, a way which is rejected by certain prevailing modern ideas. But we cannot avail ourselves of their assistance if we consider American history to be a succession of democratizations which overcame the Founding Fathers' intentions. On that view it is easy to regard them as simply outmoded. If I am right regarding the extent of democracy in their thought and regime, then they are not outmoded by modern events but rather are tested by them. American history, on this view, is not primarily the replacement of a pre-democratic regime by a democratic regime, but is rather a continuing testimony to how the Founding Fathers' democratic regime has worked out in modern circumstances. The whole of our national experience thus becomes a way of judging the Founders' principles, of judging democracy itself, or of pondering the flaws of democracy and the means to its improvement.

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[12] *Federalist*, No. 14, p. 85.

[13] *Ibid.*, p. 81.

III

What was the Founding Fathers' view of the good life? Upon what fundamental theoretical premises did that view of the good life depend? How comprehensive was their understanding of the dangers against which popular government was to be guarded? How efficacious were their remedies and what may have been the unanticipated costs of those remedies? These questions are clearly too vast to answer here and now. What follows is only a series of notes which bear upon the problems raised, and which I think may serve as general guides to what it is important to seek in studying the Founding Fathers.

The Federalist does not discuss systematically, as would a theoretical treatise, the question of the ends or purposes of government. That is, it does not deal systematically with philosophical issues. This is not to say that its authors did not have a view in such matters. But what that view was, and what are its implications for the understanding of the Constitution, is a subject on which I find it difficult to speak with confidence. I must still regard as open the question whether the authors of *The Federalist*, or the other leading founders, had themselves fully reflected on these matters, or whether they treated them as settled by thinkers like Locke and Montesquieu, or whether crucial premises in their thought were unreflectively taken for granted. But men cannot act on a political scale so vast as they did without having and employing a view of the politically fundamental; and it is this view which provides the crucial perspective for the understanding of their particular actions and thoughts.

Perhaps the most explicit fundamental utterance of *The Federalist* is the statement regarding

> the great principle of self-preservation . . . the transcendent law of nature and of nature's God, which declares that the safety and happiness of society are the objects at which all political institutions aim, and to which all such institutions must be sacrificed.[14]

But self-preservation, it is made clear, includes more than mere preservation. This passage, which interestingly echoes the Declaration of Independence on the "laws of nature and of nature's God," emphasizes that preservation includes "happiness" as well as "safety." That is, *The Federalist* is aware of and explicitly rejects the kind of regime that would follow from a narrower view of self-preservation. For example, *The Federalist* seems explicitly to be rejecting Hobbes when, in another context, it rejects the view that "nothing less than the chains of despotism can restrain [men] from destroying and devouring one another."[15] But while it rejects the "chains of despotism," *i.e.*, the Hobbesean solution to the problem of self-preservation, it nonetheless seems to accept the Hobbesean statement of the problem. As it were, the primary fears of *The Federalist* are Hobbesean, that is, fears of "foreign war and domestic convulsion." Rejecting a despotic solution, the great aim of *The Federalist* is to supply a liberal and republican solution to the same problem. But while there is a great difference, never to be underestimated, between a liberal and a repressive, a republican and a monarchical solution, it may be that in making the same dangers and their solution *the* desideratum for the structure and functions of government much of the Hobbesean view is preserved.

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[14] *Federalist,* No. 43, p. 287.

The main object of *The Federalist* was to urge the necessity of a firm and energetic Union. The utility of such a Union, and therefore the chief ends it will serve, is that it will strengthen the American people against the dangers of "foreign war" and secure them from the dangers of "domestic convulsion." These functions of government are the most frequently discussed and the most vehemently emphasized in the whole work. To a very great extent, then, *The Federalist* determines the role of government with reference only, or primarily, to the extremes of external and internal danger. It is to avoid the pre-civil forms of these dangers that men form government and it is the civil solution of these dangers which, almost exclusively, determines the legitimate objects of government. But again, *The Federalist* repeatedly emphasizes that a "novel" solution is at hand. The means now exist—and America is uniquely in a position to employ them—for a republican solution which avoids the extremes of tyranny and anarchy. But notice that, on this view, liberalism and republicanism are not the means by which men may ascend to a nobler life; rather they are simply instrumentalities which solve Hobbesean problems in a more moderate manner. It is tempting to suggest that if America is a "Lockean" nation, as is so often asserted, it is true in the very precise sense that Locke's "comfortable preservation" displaces the harshness of the Hobbesean view, while not repudiating that view in general.

To be sure, *The Federalist* does make other explicit statements regarding the ends of government. For example: "Justice is the end of government. It is the end of civil society."[16] But this statement, to the best of my knowledge, is made only once in the entire work; and the context suggests that "justice" means simply "civil rights" which in turn seems to refer primarily to the protection of economic interests. That justice has here this relatively narrow meaning, as compared with traditional philosophical and theological usage, is made more probable when we take account of the crucial statement in *Federalist* No. 10. There the "first object of government" is the protection of the diverse human faculties from which arise the "rights of property" and the unequal distribution of property. The importance of this statement of the function of government is underscored when it is recalled how large a proportion of *The Federalist* deals with the improvements in "commerce" made possible by the new Constitution.

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[15] *Federalist*, No. 55, p. 365.

[16] *Federalist*, No. 51, p. 340.

For example, in a list of the four "principal objects of federal legislation,"[17] three (foreign trade, interstate trade, and taxes) deal explicitly with commerce. The fourth, the militia, also deals with commerce insofar as it largely has to do with the prevention of "domestic convulsion" brought on by economic matters.

The very great emphasis of *The Federalist* on commerce, and on the role of government in nurturing it, may not be at all incompatible with the theme of "happiness" which is the most frequently occurring definition of the "object of government." The most definite statement is the following:

> A good government implies two things: first, fidelity to the object of government, which is the happiness of the people, secondly, a knowledge of the means by which that object can be best obtained.[18]

The Federalist is not very explicit in defining happiness. But there are firm indications that what it had in mind has little in common with traditional philosophical or theological understandings of the term. At one place, *The Federalist* indicates that happiness requires that government "provide for the security, advance the prosperity, [and] support the reputation of the commonwealth."[19] In another, happiness seems to require "our safety, our tranquility, our dignity, our reputation."[20] Part of what these words mean is made clear by the fact that they summarize a lengthy indictment of the Articles of Confederation, the particulars of which deal in nearly every case with commercial shortcomings. Happiness, "a knowledge of the means" to which *The Federalist* openly claims to possess, seems to consist primarily in physical preservation from external and internal danger *and* in the comforts afforded by a commercial society; which comforts are at once the dividends of security and the means to a republican rather than repressive security.

What is striking is the apparent exclusion from the functions of government of a wide range of non-economic tasks traditionally considered the decisive business of government. It is tempting to speculate that this reduction in the tasks of government has something to do with *The Federalist's* defense of popular government. The traditional criticism of popular government was that it gave over the art of government into the hands of the many, which is to say the unwise. It would be a formidable reply to reduce the complexity of the governmental art to dimensions more commensurate with the capacity of the many. I use two statements by Madison, years apart, to illustrate the possibility that he may have had something like this in mind. "There can be no doubt that there are subjects to which the capacities of the bulk of mankind are unequal."[21] But on the other hand, "the confidence of the [Republican party] in the capacity of mankind for self-government"[22] is what distinguished it from the Federalist party which distrusted that capacity. The confidence in mankind's capacities would seem to require having removed from government the subjects to which those capacities are unequal.

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[17] *Federalist*, No. 53, p. 350–51.

[18] *Federalist*, No. 62, p. 404.

[19] *Federalist*, No. 30, p. 186.

[20] *Federalist*, No. 15, p. 88.

[21] Letter to Edmund Randolph, January 10, 1788.

[22] Letter to William Eustis, May 22, 1823. The letters to Randolph and Eustis were brought to my attention by Ralph Ketcham's article, "Notes on James Madison's Sources for the Tenth Federalist Paper," *Midwest Journal of Political Science*, Vol. 1 (May, 1957).

IV

So far as concerns those ends of government on which *The Federalist* is almost wholly silent, it is reasonable to infer that what the Founders made no provision for they did not rank highly among the legitimate objects of government. Other political theories had ranked highly, as objects of government, the nurturing of a particular religion, education, military courage, civic-spiritedness, moderation, individual excellence in the virtues, etc. On all of these *The Federalist* is either silent, or has in mind only pallid versions of the originals, or even seems to speak with contempt. The Founders apparently did not consider it necessary to make special provision for excellence. Did they assume these virtues would flourish without governmental or other explicit provision? Did they consciously sacrifice some of them to other necessities of a stable popular regime—as it were, as the price of their solution to the problem of democracy? Or were these virtues less necessary to a country when it had been properly founded on the basis of the new "science of politics"? In what follows I suggest some possible answers to these questions.

The Founding Fathers are often criticized for an excessive attention to, and reliance upon, mechanical institutional arrangements and for an insufficient attention to "sociological" factors. While a moderate version of this criticism may finally be just, it is nonetheless clear that *The Federalist* pays considerable and shrewd attention to such factors. For example, in *Federalist* No. 51, equal attention is given to the institutional and non-institutional strengths of the new Constitution. One of these latter is the solution to the "problems of faction." It will be convenient to examine *Federalist* No. 10 where the argument about faction is more fully developed than in No. 51. A close examination of that solution reveals something about *The Federalist's* view of the virtues necessary to the good life.

The problem dealt with in the tenth essay is how "to break and control the violence of faction." "The friend of popular governments never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice." Faction is, thus, *the* problem of popular government. Now it must be made clear that Madison, the author of this essay, was not here really concerned with the problem of faction generally. He devotes only two sentences in the whole essay to the dangers of *minority* factions. The real problem in a popular government, then, is *majority* faction, or, more precisely, *the* majority faction, *i.e.*, the great mass of the little propertied and unpropertied. This is the only faction that can "execute and mask its violence under the forms of the Constitution." That is, in the American republic the many have the legal power to rule and thus from them can come the greatest harm. Madison interprets that harm fairly narrowly; at least, his overwhelming emphasis is on the classic economic struggle between the rich and the poor which made of ancient democracies "spectacles of turbulence and contention." *The* problem for the friend of popular government is how to avoid the "domestic convulsion" which results when the rich and the poor, the few and the many, as is their wont, are at each others' throats. Always before in popular governments the many, armed with political power, invariably precipitated such convulsions. But the friend of popular government must find only "a republican remedy" for this disease which is "most incident to republican government." "To secure the public good and private rights against the danger of . . . [majority] faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed."

Without wrenching Madison's meaning too greatly, the problem may be put crudely this way: Madison gave a beforehand answer to Marx. The whole of the Marxian scheme depends upon the many—having been proletarianized—causing precisely such domestic convulsion and usurpation of property as Madison wished to avoid. Madison believed that in America the many could be diverted from that probable course. How will the many, *the* majority, be prevented from using for the evil purpose of usurping property the legal power which is theirs in a popular regime? "Evidently by one of two [means] only. Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such co-existent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression." But "we well know that neither moral nor religious motives can be relied on" to do these things. The "circumstance principally" which will solve the problem is the "greater number of citizens and extent of territory which may be brought within the compass" of large republican governments rather than of small direct democracies.

Rather than mutilate Madison, let me complete his thought by quoting the rest of his argument before commenting on it:

> The smaller the society, the fewer probably will be the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other.

I want to deal only with what is implied or required by the first of the two means, *i.e.*, preventing the majority from having the same "passion or interest" at the same time. I would argue that this is the more important of the two remedial means afforded by a large republic. If the majority comes to have the same passion or interest and holds to it intensely for a period of only four to six years, it seems certain that it would triumph over the "extent of territory," over the barriers of federalism, and separation of powers, and all the checks and balances of the Constitution. I do not wish to depreciate the importance of those barriers; I believe they have enormous efficacy in stemming the tide Madison feared. But I would argue that their efficacy depends upon a prior weakening of the force applied against them, upon the majority having been fragmented or deflected from its "schemes of oppression." An inflamed Marxian proletariat would not indefinitely be deterred by institutional checks or extent of territory. The crucial point then, as I see it, is the means by which a majority bent upon oppression is prevented from ever forming or becoming firm.

Madison's whole scheme essentially comes down to this. The struggle of classes is to be replaced by a struggle of interests. The class struggle is domestic convulsion; the struggle of interests is a safe, even energizing, struggle which is compatible with, or even promotes, the safety and stability of society. But how can this be accomplished? What will prevent the many from thinking of their interest as that of the Many opposed to the Few? Madison, as I see it, implies that nothing can prevent it in a small democratic society where the many are divided into only a few trades and callings: these divisions are insufficient to prevent them from conceiving their lot in common and uniting for oppression. But in a large republic, numerous and powerful divisions will arise among the many to prevent that happening. A host of interests grows up "of necessity in civilized nations, and divide[s] them into different classes, actuated by different sentiments and views." "Civilized nations" clearly means here large, commercial societies. In a large commercial society the interest of the many can be fragmented into many narrower, more limited interests. The mass will not unite as a mass to make extreme demands upon the few, the struggle over which will destroy society; the mass will fragment into relatively small groups, seeking small immediate advantages for their narrow and particular interests.

If the Madisonian solution is essentially as I have described it, it becomes clear that certain things are required for the solution to operate. I only mention several of them. First, the country in which this is to take place will have to be profoundly democratic. That is, all men must be free—and even encouraged—to seek their immediate profit and to associate with others in the process. There must be no rigid class barriers which bar men from the pursuit of immediate interest. Indeed, it is especially the lowly, from whom the most is to be feared, who must feel most sanguine about the prospects of achieving limited and immediate benefits. Second, the gains must be real; that is, the fragmented interests must from time to time achieve real gains, else the scheme would cease to beguile or mollify. But I do not want to develop these themes here. Rather, I want to emphasize only one crucial aspect of Madison's design: that is, the question of the apparently narrow ends of society envisaged by the Founding Fathers. Madison's plan, as I have described it, most assuredly does not rest on the "moral and religious motives" whose efficacy he deprecated. Indeed there is not even the suggestion that the pursuit of interest should be an especially enlightened pursuit. Rather, the problem posed by the dangerous passions and interests of the many is solved primarily by a reliance upon passion and interest themselves. As Tocqueville pointed out, Americans employ the principle of "self-interest rightly understood."

> The principle of self-interest rightly understood is not a lofty one, but it is clear and sure. It does not aim at mighty objects, but it attains . . .. all those at which it aims. By its admirable conformity to human weaknesses it easily obtains great dominion; nor is that

dominion precarious, since the principle checks one personal interest by another, and uses, to direct the passions, the very same instrument that excites them.[23]

Madison's solution to his problem worked astonishingly well. The danger he wished to avert has been averted and largely for the reasons he gave. But it is possible to question now whether he did not take too narrow a view of what the dangers were. Living today as beneficiaries of his system, we may yet wonder whether he failed to contemplate other equally grave problems of democracy, or whether his remedy for the one disease has not had some unfortunate collateral consequences. The Madisonian solution involved a fundamental reliance on ceaseless striving after immediate interest (perhaps now immediate gratification). Tocqueville appreciated that this "permanent agitation . . . is characteristic of a peaceful democracy,"[24] one might even say, the price of its peace. And Tocqueville was aware of how great might be the price. "In the midst of this universal tumult, this incessant conflict of jarring interests, this continual striving of men after fortune, where is that calm to be found which is necessary for the deeper combinations of the intellect?"[25]

V

There is, I think, in *The Federalist* a profound distinction made between the qualities necessary for Founders and the qualities necessary for the men who come after. It is a distinction that bears on the question of the Founding Fathers' view of what is required for the good life and on their defense of popular government. Founding requires "an exemption from the pestilential influence of party animosities";[26] but the subsequent governing of America will depend on precisely those party animosities, moderated in the way I have described. Or again, founding requires that "reason" and not the "passions," "sit in judgment."[27] But, as I have argued, the society once founded will subsequently depend precisely upon the passions, only moderated in their consequences by having been guided into proper channels. The reason of the Founders constructs the system within which the passions of the men who come after may be relied upon.

Founders need a knowledge of the newly improved "science of politics" and a knowledge of the great political alternatives in order to construct a durable regime; while the men who come after need be only legislators who are but interested "advocates and parties to the causes they determine."[28] *The Federalist* speaks, as has often been observed, with harsh realism about the shortcomings of human nature, but, as has not so often been observed, none of its strictures can characterize the Founders; they must be free of these shortcomings in order to have had disinterested and true knowledge of political things. While

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[23] *Democracy in America,* ed. Phillips Bradley (Knopf, New York, 1951) Vol. 2, pp. 122–23.

[24] *Ibid.,* p. 42.

[25] *Idem.*

[26] *Federalist,* No. 37, p. 232.

[27] *Federalist,* No. 49, p. 331.

[28] *Federalist,* No. 10, p. 56.

"a nation of philosophers is as little to be expected as the philosophical race of kings wished for by Plato,"[29] it is tempting to speculate that *The Federalist* contemplates a kind of philosopher-founder the posthumous duration of whose rule depends upon "that veneration which time bestows on everything,"[30] and in particular on a regime well-founded. But once founded, it is a system that has no necessary place and makes no provision for men of the founding kind.

It is clear that not all now regarded as Founding Fathers were thought by the authors of *The Federalist* to belong in that august company. Noting that "it is not a little remarkable" that all previous foundings of regimes were "performed by some individual citizen of pre-eminent wisdom and approved integrity,"[31] *The Federalist* comments on the difficulty that must have been experienced when it was attempted to found a regime by the action of an assembly of men. I think it can be shown that *The Federalist* views that assembly, the Federal Convention, as having been subject to all the weaknesses of multitudes of men. The real founders, then, were very few in number, men learned in the new science of politics who seized upon a uniquely propitious moment when their plans were consented to first by a body of respectable men and subsequently, by equally great good fortune, by the body of citizens. As it were, America provided a rare moment when "the prejudices of the community"[32] were on the side of wisdom. Not unnaturally, then, *The Federalist* is extremely reluctant to countenance any re-opening of fundamental questions or delay in ratifying the Constitution.

This circumstance—wisdom meeting with consent—is so rare that "it is impossible for the man of pious reflection not to perceive in it a finger of that Almighty hand."[33] But once consent has been given to the new wisdom, when the government has been properly founded, it will be a durable regime whose perpetuation requires nothing like the wisdom and virtue necessary for its creation. The Founding Fathers' belief that they had created a system of institutions and an arrangement of the passions and interests, that would be durable and self-perpetuating, helps explain their failure to make provision for men of their own kind to come after them. Apparently, it was thought that such men would not be needed.

But does not the intensity and kind of our modern problems seem to require of us a greater degree of reflection and public-spiritedness than the Founders thought sufficient for the men who came after them? One good way to begin that reflection would be to return to their level of thoughtfulness about fundamental political alternatives, so that we may judge for ourselves wisely regarding the profound issues that face us. I know of no better beginning for that thoughtfulness than a full and serious contemplation of the political theory that informed the origin of the Republic, of the thought and intention of those few men who fully grasped what the "assembly of demi-gods" was doing.

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[29] *Federalist,* No. 49, p. 329.

[30] *Ibid.,* p. 328.

[31] *Federalist,* No. 38, p. 233.

[32] *Federalist,* No. 49, p. 329.

[33] *Federalist,* No. 38, p. 231.

SOME SOCIAL REQUISITES OF DEMOCRACY: ECONOMIC DEVELOPMENT AND POLITICAL LEGITIMACY[1]

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The conditions associated with the existence and stability of democratic society have been a leading concern of political philosophy. In this paper the problem is attacked from a sociological and behavioral standpoint, by presenting a number of hypotheses concerning some social requisites for democracy, and by discussing some of the data available to test these hypotheses. In its concern with conditions—values, social institutions, historical events—external to the political system itself which sustain different general types of political systems, the paper moves outside the generally recognized province of political sociology. This growing field has dealt largely with the internal analysis of organizations with political goals, or with the determinants of action *within* various political institutions, such as parties, government agencies, or the electoral process.[2] It has in the main left to the political philosopher the larger concern with the relations of the total political system to society as a whole.

I. INTRODUCTION

A sociological analysis of any pattern of behavior, whether referring to a small or a large social system, must result in specific hypotheses, empirically testable statements. Thus, in dealing with democracy, one must be able to point to a set of conditions that have actually existed in a number of countries, and say: democracy has emerged out of these conditions, and has become stabilized because of certain supporting institutions and values, as well as because of its own internal self-maintaining processes. The conditions listed must be ones which differentiate most democratic states from most others.

A recent discussion by a group of political theorists on the "cultural prerequisites to a successfully functioning democracy" points up the difference between the approach of the political sociologist and the political philosopher to a comparable problem.[3] A considerable portion of this symposium is devoted to a debate concerning the contribution of religion, particularly Christian ethics, toward democratic attitudes. The principal author, Ernest Griffith, sees a necessary connection between the Judeo-Christian heritage and attitudes which sustain democratic institutions; the other participants stress the political and economic conditions which may provide the basis for a consensus on basic values which does not depend on religion; and they point to the depression, poverty, and social disorganization which resulted in fascism in Italy and Germany, in spite of strongly religious populations and traditions. What is most striking about this discussion is its lack of a perspective which assumes that theoretical propositions must be subject to test by a systematic comparison of *all* available cases, and which treats a deviant case properly as one case out of many. In this symposium, on the contrary, deviant cases which do not fit a given proposition are cited to demonstrate that there are *no* social conditions which are regularly associated with a given complex political system. So the conflicts among political philosophers about the necessary conditions underlying given political systems often lead to a triumphant demonstration that a given situation clearly violates the thesis of one's opponent, much as if the existence of some wealthy socialists, or poor conservatives, demonstrated that economic factors were not an important determinant of political preference.

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[2] See my "Political Sociology, 1945–1955," in Hans L. Zetterberg, ed., *Sociology in the USA* (Paris: UNESCO, 1956), pp. 45–55, for a summary of the various areas covered by political sociology. For a discussion of intellectual trends in political sociology and the rationale underlying a focus on the problem of democracy, see my "Political Sociology," in R. K. Merton, *et al.*, eds., *Sociology Today* (New York: Basic Books, 1959), ch. 3.

[3] Ernest S. Griffith, John Plamenatz, and J. Roland Pennock, "Cultural Prerequisites to a Successfully Functioning Democracy: A Symposium," this REVIEW, Vol. 50 (1956), pp. 101–137.

The advantage of an attempt such as is presented here, which seeks to dissect the conditions of democracy into several interrelated variables, is that deviant cases fall into proper perspective. The statistical preponderance of evidence supporting the relationship of a variable such as education to democracy indicates that the existence of deviant cases (such as Germany, which succumbed to dictatorship in spite of an advanced educational system) cannot be the sole basis for rejecting the hypothesis. A deviant case, considered within a context which marshals the evidence on all relevant cases, often may actually strengthen the basic hypothesis if an intensive study of it reveals the special conditions which prevented the usual relationship from appearing.[4] Thus, electoral research indicates that a large proportion of the more economically well-to-do leftists are underprivileged along other dimensions of social status, such as ethnic or religious position.[5]

Controversy in this area stems not only from variations in methodology, but also from use of different definitions. Clearly in order to discuss democracy, or any other phenomenon, it is first necessary to define it. For the purposes of this paper, democracy (in a complex society) is defined as a political system which supplies regular constitutional opportunities for changing the governing officials. It is a social mechanism for the resolution of the problem of societal decision-making among conflicting interest groups which permits the largest possible part of the population to influence these decisions through their ability to choose among alternative contenders for political office. In large measure abstracted from the work of Joseph Schumpeter and Max Weber,[5] this definition implies a number of specific conditions: (a) a "political formula," a system of beliefs, legitimizing the democratic system and specifying the institutions—parties, a free press, and so forth—which are legitimized, *i.e.*, accepted as proper by all; (b) one set of political leaders in office; and (c) one or more sets of leaders, out of office, who act as a legitimate opposition attempting to gain office.

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[4] A detailed example of how a deviant case and analysis advances theory may be found in S. M. Lipset, M. Trow, and J. Coleman, *Union Democracy*, (Glencoe: The Free Press, 1956). This book is a study of the political process inside the International Typographical Union, which has a long-term two-party system with free elections and frequent turnover in office, and is thus the clearest exception to Robert Michels' "iron law of oligarchy." The research, however, was not intended as a report on this union, but rather as the best means available to test and amplify Michels' "law." The study could only have been made through a systematic effort to establish a basic theory and derive hypotheses. The best way to add to knowledge about the internal government of voluntary associations seemed to be to study the most deviant case. In the process of examining the particular historical and structural conditions sustaining the two-party system in the ITU, the general theory was clarified.

The need for these conditions is clear. *First,* if a political system is not characterized by a value system allowing the peaceful "play" of power—the adherence by the "outs" to decisions made by "ins" and the recognition by "ins" of the rights of the "outs"—there can be no stable democracy. This has been the problem faced by many Latin American states. *Second,* if the outcome of the political game is not the periodic awarding of effective authority to one group, a party or stable coalition, then unstable and irresponsible government rather than democracy will result. This state of affairs existed in pre-Fascist Italy, and for much, though not all of the history of the Third and Fourth French Republics, which were characterized by weak coalition governments, often formed among parties which had major interest and value conflicts with each other. *Third,* if the conditions facilitating the perpetuation of an effective opposition do not exist, then the authority of officials will be maximized, and popular influence on policy will be at a minimum. This is the situation in all one-party states; and by general agreement, at least in the West, these are dictatorships.

Two principal complex characteristics of social systems will be considered here as they bear on the problem of stable democracy: economic development and legitimacy. These will be presented as structural characteristics of a society which sustain a democratic political system. After a discussion of the economic development complex (comprising industrialization, wealth, urbanization, and education) and its consequences for democracy, we shall move to two aspects of the problem of legitimacy, or the degree to which institutions are valued for themselves, and considered right and proper. The relations between legitimacy and the effectiveness of the system (the latter primarily a function of economic development) will be followed by a discussion of the sources of cleavage in a society and the ways in which various resolutions of historically crucial issues result either in disruptive forms of cleavage or in cross-cutting affiliations which reduce conflict to a manageable level. Finally, the bearing of these various factors upon the future of democracy will be assessed.

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[5] Joseph Schumpeter, *Capitalism, Socialism and Democracy,* (New York: Harper and Bros., 1947), pp. 232–302, esp. 269; Max Weber, *Essays in Sociology,* (New York: Oxford University Press, 1946), p. 226.

No detailed examination of the political history of individual countries will be undertaken in accordance with the generic definition, since the relative degree or social content of democracy in different countries is not the real problem of this paper. Certain problems of method in the handling of relationships between complex characteristics of total societies do merit brief discussion, however.

An extremely high correlation between aspects of social structure, such as income, education, religion, on the one hand, and democracy, on the other, is not to be anticipated even on theoretical grounds, because to the extent that the political sub-system of the society operates autonomously, a particular political form may persist under conditions normally adverse to the *emergence* of that form. Or, a political form may develop because of a syndrome of fairly unique historical factors, even though major social characteristics favor another form. Germany is an example of a nation in which the structural changes—growing industralization, urbanization, wealth, and education—all favored the establishment of a democratic system, but in which a series of adverse historical events prevented democracy from securing legitimacy in the eyes of many important segments of society, and thus weakened German democracy's ability to withstand crisis.

The high correlations which appear in the data to be presented between democracy and other institutional characteristics of societies must not be overly stressed, since unique events may account for *either* the persistence *or* the failure of democracy in any particular society. Max Weber argued strongly that differences in national patterns often reflect key historical events which set one process in motion in one country, and a second process in another. To illustrate his point, he used the analogy of a dice game in which each time the dice came up with a certain number they were increasingly loaded in the direction of coming up with that number again.[6] To Weber, an event predisposing a country toward democracy sets a process in motion which increases the likelihood that at the next critical point in the country's history democracy will win out again. This process can only have meaning if we assume that once established, a democratic political system gathers some momentum, and creates some social supports (institutions) to ensure its continued existence. Thus a "premature" democracy which survives will do so by (among other things) facilitating the growth of other conditions conducive to democracy, such as universal literacy, or autonomous private associations. This paper is primarily concerned with explicating the social conditions which serve to *support* a democratic political system, such as education or legitimacy; it will not deal in detail with the kinds of internal mechanisms which serve to *maintain* democratic systems such as the specific rules of the political game.[7]

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[6] Max Weber, *The Methodology of the Social Sciences*, (Glencoe: The Free Press, 1949), pp. 182–185; see also S. M. Lipset, "A Sociologist Looks at History," *Pacific Sociological Review*, Vol. 1 (Spring 1958), pp. 13–17.

[7] See Morris Janowitz and Dwaine Marvick, *Competitive Pressure and Democratic Consent*, Michigan Governmental Studies, no. 32 (Bureau of Government, Institute of

Comparative generalizations dealing with complex social systems must necessarily deal rather summarily with particular historical features of any one society within the scope of the investigation. In order to test these generalizations bearing on the differences between countries which rank high or low in possession of the attributes associated with democracy, it is necessary to establish some empirical measures of the type of political system. Individual deviations from a particular aspect of democracy are not too important, as long as the definitions unambiguously cover the great majority of nations which are located as democratic or undemocratic. The precise dividing line between "more democratic" and "less democratic" is also not a basic problem, since presumably democracy is *not* a quality of a social system which either does or does not exist, but is rather a complex of characteristics which may be ranked in many different ways. For this reason it was decided to divide the countries under consideration into two groups, rather than to attempt to rank them from highest to lowest. Ranking *individual* countries from the most to the least democratic is much more difficult than splitting the countries into two classes, "more" or "less" democratic, although even here borderline cases such as Mexico pose problems.

Efforts to classify all countries raise a number of problems. Most countries which lack an enduring tradition of political democracy lie in the traditionally underdeveloped sections of the world. It is possible that Max Weber was right when he suggested that modern democracy in its clearest forms can only occur under the unique conditions of capitalist industrialization.[8] Some of the complications introduced by the sharp variations in political practices in different parts of the earth can be reduced by dealing with differences among countries within political culture areas. The two best areas for such internal comparison are Latin America as one, and Europe and the English-speaking countries as the other. More limited comparisons may be made among the Asian states, and among the Arab countries.

The main criteria used in this paper to locate European democracies are the uninterrupted continuation of political democracy since World War I, *and* the absence over the past 25 years of a major political movement opposed to the democratic "rules of the game."[9] The somewhat less stringent criterion employed for Latin America is whether a given country has had a history of more

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Public Administration, University of Michigan, 1956), and Robert A. Dahl, *A Preface to Democratic Theory*, (University of Chicago, 1956), esp. pp. 90–123, for recent systematic efforts to specify some of the internal mechanisms of democracy. See David Easton, "An Approach to the Analysis of Political Systems," *World Politics*, Vol. 9 (1957), pp. 383–400, for discussion of problems of internal analysis of political systems.

[8] See Max Weber, "Zur Lage der burgerlichen Demokratie in Russland," *Archiv für Sozialwissenschaft und Sozialpolitik*, Vol. 22 (1906), pp. 346 ff.

[9] The latter requirement means that no totalitarian movement, either Fascist or Communist, received 20 per cent of the vote during this time. Actually all the European nations falling on the democratic side of the continuum had totalitarian movements which secured less than seven per cent of the vote.

or less free elections for most of the post-World War I period. Where in Europe we look for stable democracies, in South America we look for countries which have not had fairly constant dictatorial rule (See Table I). No detailed analysis of the political history of either Europe or Latin America has been made with an eye toward more specific criteria of differentiation; at this point in the examination of the requisites of democracy, election results are sufficient to locate the European countries, and the judgments of experts and impressionistic assessments based on fairly well-known facts of political history will suffice for Latin America.[10]

TABLE I. CLASSIFICATION OF EUROPEAN, ENGLISH-SPEAKING AND LATIN AMERICAN NATIONS BY DEGREE OF STABLE DEMOCRACY

European and English-speaking Nations		*Latin American Nations*	
Stable Democracies	Unstable Democracies and Dictatorships	Democracies and Unstable Dictatorships	Stable Dictatorships
Australia	Austria	Argentina	Bolivia
Belgium	Bulgaria	Brazil	Cuba
Canada	Czechoslovakia	Chile	Dominican Republic
Denmark	Finland	Colombia	Ecuador
Ireland	France	Costa Rica	El Salvador
Luxemburg	Germany (West)	Mexico	Guatemala
Netherlands	Greece	Uruguay	Haiti
New Zealand	Hungary		Honduras
Norway	Iceland		Nicaragua
Sweden	Italy		Panama
Switzerland	Poland		Paraguay
United Kingdom	Portugal		Peru
United States	Rumania		Venezuela
	Spain		
	Yugoslavia		

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[10] The historian Arthur P. Whitaker, for example, has summarized the judgments of experts on Latin America to be that "the countries which have approximated most closely to the democratic ideal have been . . . Argentina, Brazil, Chile, Colombia, Costa Rica, and Uruguay." See "The Pathology of Democracy in Latin America: A Historian's Point of View," this REVIEW, Vol. 44 (1950), pp. 101–118. To this group I have added Mexico. Mexico has allowed freedom of the press, of assembly and of organization, to opposition parties, although there is good evidence that it does not allow them the opportunity to win elections, since ballots are counted by the incumbents. The existence of opposition groups, contested elections, and adjustments among the various factions of the governing *Partido Revolucionario Institucional* does introduce a considerable element of popular influence in the system.

The interesting effort of Russell Fitzgibbon to secure a "statistical evaluation of Latin American democracy" based on the opinion of various experts is not useful for the purposes of this paper. The judges were asked not only to rank countries as democratic on the basis of purely political criteria, but also to consider the "standard of living" and "educational level." These latter factors may be conditions for democracy, but they are not an aspect of democracy as such. See Russell H. Fitzgibbon, "A Statistical Evaluation of Latin American Democracy," *Western Political Quarterly*, Vol. 9 (1956), pp. 607–619.

II. ECONOMIC DEVELOPMENT AND DEMOCRACY

Perhaps the most widespread generalization linking political systems to other aspects of society has been that democracy is related to the state of economic development. Concretely, this means that the more well-to-do a nation, the greater the chances that it will sustain democracy. From Aristotle down to the present, men have argued that only in a wealthy society in which relatively few citizens lived in real poverty could a situation exist in which the mass of the population could intelligently participate in politics and could develop the self-restraint necessary to avoid succumbing to the appeals of irresponsible demagogues. A society divided between a large impoverished mass and a small favored elite would result either in oligarchy (dictatorial rule of the small upper stratum) or in tyranny (popularly based dictatorship). And these two political forms can be given modern labels: tyranny's modern face is Communism or Peronism; oligarchy appears today in the form of traditionalist dictatorships such as we find in parts of Latin America, Thailand, Spain or Portugal.

As a means of concretely testing this hypothesis, various indices of economic development—wealth, industrialization, urbanization and education—have been defined, and averages (means) have been computed for the countries which have been classified as more or less democratic in the Anglo-Saxon world and Europe and Latin America.

In each case, the average wealth, degree of industrialization and urbanization, and level of education is much higher for the more democratic countries, as the data presented in Table II indicate. If we had combined Latin America and Europe in one table, the differences would have been greater.[11]

The main indices of *wealth* used here are per capita income, number of persons per motor vehicle and per physician, and the number of radios, telephones, and newspapers per thousand persons. The differences are striking on every score, as Table II indicates in detail. In the more democratic European countries, there are 17 persons per motor vehicle compared to 143 for the less demo-

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[11] Lyle W. Shannon has correlated indices of economic development with whether a country is self-governing or not, and his conclusions are substantially the same. Since Shannon does not give details on the countries categorized as self-governing and non-self-governing, there is no direct measure of the relation between "democratic" and "self-governing" countries. All the countries examined in this paper, however, were chosen on the assumption that a characterization as "democratic" is meaningless for a non-self-governing country, and therefore, presumably, all of them, whether democratic or dictatorial, would fall within Shannon's "self-governing" category. Shannon shows that underdevelopment is related to lack of self-government; my data indicate that once self-government is attained, development is still related to the character of the political system. See Shannon (ed.), *Underdeveloped Areas* (New York: Harper, 1957), and also his article, "Is Level of Government Related to Capacity for Self-Government?" *American Journal of Economics and Sociology*, Vol. 17 (1958) pp. 367–382. In the latter paper, Shannon constructs a composite index of development, using some of the same indices, such as inhabitants per physician, and derived from the same United Nations sources, as appear in the tables to follow. Shannon's work did not come to my attention until after this paper was prepared, so that the two papers can be considered as separate tests of comparable hypotheses.

TABLE II. A COMPARISON OF EUROPEAN, ENGLISH-SPEAKING AND LATIN AMERICAN COUNTRIES, DIVIDED INTO TWO GROUPS, "MORE DEMOCRATIC" AND "LESS DEMOCRATIC," BY INDICES OF WEALTH, INDUSTRIALIZATION, EDUCATION, AND URBANIZATION[1]

A. *Indices of Wealth*

Means	Per Capita Income[2] in $	Thousands of Persons Per Doctor[3]	Persons Per Motor Vehicle[4]	Telephones Per 1,000 Persons[5]	Radios Per 1,000 Persons[6]	Newspaper Copies Per 1,000 Persons[7]
European and English-speaking Stable Democracies	695	.86	17	205	350	341
European and English-speaking Unstable Democracies and Dictatorships	308	1.4	143	58	160	167
Latin American Democracies and Unstable Dictatorships	171	2.1	99	25	85	102
Latin American Stable Dictatorships	119	4.4	274	10	43	43
Ranges						
European Stable Democracies	420–1,453	.7– 1.2	3–62	43–400	160–995	242–570
European Dictatorships	128– 482	.6– 4	10–538	7–196	42–307	46–390
Latin American Democracies	112– 346	.8– 3.3	31–174	12– 58	38–148	51–233
Latin American Stable Dictatorships	40– 331	1.0–10.8	38–428	1– 24	4–154	4–111

B. *Indices of Industrialization*

Means	Percentage of Males in Agriculture[8]	Per Capita Energy Consumed[9]
European Stable Democracies	21	3.6
European Dictatorships	41	1.4
Latin American Democracies	52	.6
Latin American Stable Dictatorships	67	.25
Ranges		
European Stable Democracies	6–46	1.4 –7.8
European Dictatorships	16–60	.27–3.2
Latin American Democracies	30–63	.30–0.9
Latin American Stable Dictatorships	46–87	.02–1.27

C. *Indices of Education*

Means	Percentage Literate[10]	Primary Education Enrollment Per 1,000 Persons[11]	Post-Primary Enrollment Per 1,000 Persons[12]	Higher Education Enrollment Per 1,000 Persons[13]
European Stable Democracies	96	134	44	4.2
European Dictatorships	85	121	22	3.5
Latin American Democracies	74	101	13	2.0
Latin American Dictatorships	46	72	8	1.3
Ranges				
European Stable Democracies	95–100	96–179	19–83	1.7–17.83
European Dictatorships	55– 98	61–165	8–37	1.6– 6.1
Latin American Democracies	48– 87	75–137	7–27	.7– 4.6
Latin American Dictatorships	11– 76	11–149	3–24	.2– 3.1

(*Continued on facing page*)

D. *Indices of Urbanization*

Means	Per Cent in Cities over 20,000[14]	Per Cent in Cities over 100,000[15]	Per Cent in Metropolitan Areas[16]
European Stable Democracies	43	28	38
European Dictatorships	24	16	23
Latin American Democracies	28	22	26
Latin American Stable Dictatorships	17	12	15
Ranges			
European Stable Democracies	28–54	17–51	22–56
European Dictatorships	12–44	6–33	7–49
Latin American Democracies	11–48	13–37	17–44
Latin American Stable Dictatorships	5–36	4–22	7–26

[1] A large part of this table has been compiled from data furnished by International Urban Research, University of California, Berkeley, California.

[2] United Nations, Statistical Office, *National and Per Capita Income in Seventy Countries*, 1949, Statistical Papers, Series E, No. 1, New York, 1950, pp. 14–16.

[3] United Nations, *A Preliminary Report on the World Social Situation, 1952*, Table 11, pp. 46–8.

[4] United Nations, *Statistical Yearbook, 1956*, Table 139, pp. 333–338.

[5] *Ibid.*, Table 149, p. 387.

[6] *Ibid.*, Table 189, p. 641. The population bases for these figures are for different years than those used in reporting the numbers of telephones and radios, but for purposes of group comparisons, the differences are not important.

[7] United Nations, *A Preliminary Report* . . . , *op. cit.*, Appendix B, pp. 86–89.

[8] United Nations, *Demographic Yearbook, 1956*, Table 12, pp. 350–370.

[9] United Nations, *Statistical Yearbook, 1956, op. cit.*, Table 127, pp. 308–310. Figures refer to commercially produced energy, in equivalent numbers of metric tons of coal.

[10] United Nations, *A Preliminary Report* . . . , *op. cit.*, Appendix A, pp. 79–86. A number of countries are listed as more than 95 per cent literate.

[11] *Ibid.*, pp. 86–100. Figures refer to persons enrolled at the earlier year of the primary range, per 1,000 total population, for years ranging from 1946 to 1950. The first primary year varies from five to eight in various countries. The less developed countries have more persons in that age range per 1,000 population than the more developed countries, but this biases the figures presented in the direction of increasing the percentage of the total population in school for the less developed countries, although fewer of the children in that age group attend school. The bias from this source thus reinforces the positive relationship between education and democracy.

[12] *Ibid.*, pp. 86–100.

[13] UNESCO, *World Survey of Education*, Paris, 1955. Figures are the enrollment in higher education per 1,000 population. The years to which the figures apply vary between 1949 and 1952, and the definition of higher education varies for different countries.

[14] Obtained from International Urban Research, University of California, Berkeley, California.

[15] *Ibid.*

[16] *Ibid.*

cratic countries. In the less dictatorial Latin American countries there are 99 persons per motor vehicle, as against 274 for the more dictatorial ones.[12] Income differences for the groups are also sharp, dropping from an average per capita income of $695 for the more democratic countries of Europe to $308 for the less democratic ones; the corresponding difference for Latin America is from $171 to $119. The ranges are equally consistent, with the lowest per capita income in each group falling in the "less democratic" category, and the highest in the "more democratic" one.

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[12] It must be remembered that these figures are means, compiled from census figures for the various countries. The data vary widely in accuracy, and there is no way of measuring the validity of compound calculated figures such as those presented here. The consistent direction of all these differences, and their large magnitude, is the main indication of validity.

Industrialization—indices of wealth are clearly related to this, of course—is measured by the percentage of employed males in agriculture, and the per capita commercially produced "energy" being used in the country, measured in terms of tons of coal per person per year. Both of these indices show equally consistent results. The average percentage of employed males working in agriculture and related occupations was 21 in the "more democratic" European countries, and 41 in the "less democratic," 52 in the "less dictatorial" Latin American countries, and 67 in the "more dictatorial." The differences in per capita energy employed in the country are equally large.

The degree of *urbanization* is also related to the existence of democracy.[13] Three different indices of urbanization are available from data compiled by International Urban Research (Berkeley, California), the percentage of the population in places of 20,000 and over, the percentage in communities of 100,000 and over, and also the percentage residing in standard metropolitan areas. On all three of these indices of urbanization, the more democratic countries score higher than the less democratic, for both of the political culture areas under investigation.

Many have suggested that the better educated the population of a country, the better the chances for democracy, and the comparative data available support this proposition. The "more democratic" countries of Europe are almost entirely literate: the lowest has a rate of 96 per cent, while the "less democratic" nations have an average literacy rate of 85 per cent. In Latin America, the difference is between an average rate of 74 per cent for the "less dictatorial" countries and 46 per cent for the "more dictatorial."[14] The educational enrollment per thousand total population at three different levels, primary, post-primary, and higher educational, is equally consistently related to the degree of democracy. The tremendous disparity is shown by the extreme cases of Haiti and the United States. Haiti has fewer children (11 per thousand) attending school in the primary grades than the United States has attending colleges (almost 18 per thousand).

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[13] Urbanization has often been linked to democracy by political theorists. Harold J. Laski asserted that "organized democracy is the product of urban life," and that it was natural therefore that it should have "made its first effective appearance" in the Greek city states, limited as was their definition of "citizen." See his article "Democracy" in the *Encyclopedia of the Social Sciences* (New York: Macmillan, 1937), Vol. V, pp. 76–85. Max Weber held that the city, as a certain type of political community, is a peculiarly Western phenomenon, and traced the emergence of the notion of "citizenship" from social developments closely related to urbanization. For a partial statement of his point of view, see the chapter on "Citizenship," in *General Economic History* (Glencoe: The Free Press, 1950), pp. 315–338. It is significant to note that before 1933 the Nazi electoral strength was greatest in small communities and rural areas. Berlin, the only German city of over two million, never gave the Nazis over 25 per cent of the vote in a free election. The modal Nazi, like the modal French Poujadist or Italian neo-Fascist today, was a self-employed resident of a small town or rural district. Though the communists, as a workers' party, are strongest in the working-class neighborhoods of large cities within countries, they have great electoral strength only in the less urbanized European nations, e.g., Greece, Finland, France, Italy.

[14] The pattern indicated by a comparison of the averages for each group of countries is sustained by the ranges (the high and low extremes) for each index. Most of the ranges overlap, that is, some countries which are in the low category with regard to politics are higher on any given index than some which are high on the scale of democracy. It is noteworthy that in both Europe and Latin America, the nations which are lowest on any of the indices presented in the table are also in the "less democratic" category. Conversely, almost all countries which rank at the top of any of the indices are in the "more democratic" class.

The relationship between education and democracy is worth more extensive treatment since an entire philosophy of democratic government has seen in increased education the spread of the basic requirement of democracy.[15] As Bryce wrote with special reference to Latin America, "education, if it does not make men good citizens, makes it at least easier for them to become so."[16] Education presumably broadens men's outlooks, enables them to understand the need for norms of tolerance, restrains them from adhering to extremist and monistic doctrines, and increases their capacity to make rational electoral choices.

The evidence bearing on the contribution of education to democracy is even more direct and strong in connection with individual behavior *within* countries, than it is in cross-national correlations. Data gathered by public opinion research agencies which have questioned people in different countries with regard to their belief in various democratic norms of tolerance for opposition, to their attitudes toward ethnic or racial minorities, and with regard to their belief in multi-party as against one-party systems have found that *the most important single factor differentiating those giving democratic responses from others has been education.* The higher one's education, the more likely one is to believe in democratic values and support democratic practices.[17] All the relevant studies indicate that education is far more significant than income or occupation.

These findings should lead us to anticipate a far higher correlation between national levels of education and political practice than in fact we do find. Germany and France have been among the best educated nations of Europe, but this by itself clearly did not stabilize their democracies. It may be, however, that education has served to inhibit other anti-democratic forces. Post-Nazi data from Germany indicate clearly that higher education is linked to rejection of strong-man and one-party government.[18]

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[15] See John Dewey, *Democracy and Education* (New York, 1916).

[16] Quoted in Arthur P. Whitaker, *op. cit.*, p. 112; see also Karl Mannheim, *Freedom, Power and Democratic Planning* (New York, 1950).

[17] See C. H. Smith, "Liberalism and Level of Information," *Journal of Educational Psychology*, Vol. 39 (1948), pp. 65–82; Martin A. Trow, *Right Wing Radicalism and Political Intolerance*, Ph.D. dissertation, Columbia University, 1957, p. 17; Samuel Stouffer, *Communism, Conformity and Civil Liberties* (New York, 1955), pp. 138–9; K. Kido and M. Suyi, "Report on Social Stratification and Mobility in Tokyo, . . . Mobility in Tokyo, III: The Structure of Social Consciousness," *Japanese Sociological Review* (January 1954), pp. 74–100.

[18] Dewey has suggested that the character of the educational system will influence its effect on democracy, and this may shed some light on the sources of instability in Germany. The purpose of German education, according to Dewey, writing in 1916, was "disciplinary training rather than . . . personal development." The main aim was to pro-

If we cannot say that a "high" level of education is a sufficient condition for democracy, the available evidence does suggest that it comes close to being a necessary condition in the modern world. Thus if we turn to Latin America, where widespread illiteracy still exists in many countries, we find that of all the nations in which more than half the population is illiterate, only one, Brazil, can be included in the "more democratic" group.

There is some evidence from other economically impoverished culture areas that literacy is related to democracy. The one member of the Arab League which has maintained democratic institutions since World War II, Lebanon, is by far the best educated (over 80 per cent literacy) of the Arab countries. In the rest of Asia east of the Arab world, only two states, the Philippines and Japan, have maintained democratic regimes without the presence of large anti-democratic parties since 1945. And these two countries, although lower than any European state in per capita income, are among the world's leaders in educational attainment. The Philippines actually ranks second to the United States in its proportion of people attending high school and university, while Japan has a higher level of educational attainment than any European state.[19]

Although the various indices have been presented separately, it seems clear that the factors of industrialization, urbanization, wealth, and education, are so closely interrelated as to form one common factor.[20] And the factors subsumed under economic development carry with it the political correlate of democracy.[21]

Before moving to a discussion of the inner connections between the development complex and democracy, mention may be made of a study of the Middle East, which, in its essential conclusions, substantiates these empirical relationships for another culture area. A survey of six Middle Eastern countries

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duce "absorption of the aims and meaning of existing institutions," and "thoroughgoing subordination" to them. This point raises issues which cannot be entered into here, but indicates the complex character of the relationship between democracy and closely related factors, such as education. See Dewey, *Democracy and Education*, *op. cit.*, pp. 108–110. It suggests caution, too, in drawing optimistic inferences about the prospects of democratic developments in Russia, based on the great expansion of education now taking place there.

[19] Ceylon, which shares with the Philippines and Japan the distinction of being the only democratic countries in South and Far Asia in which the Communists are unimportant electorally, also shares with them the distinction of being the only countries in this area in which a *majority* of the population is literate. It should be noted, however, that Ceylon does have a fairly large Trotskyist party, now the official opposition; and while its educational level is high for Asia, it is much lower than either Japan or the Philippines.

[20] A factor analysis carried out by Leo Schnore, based on data from 75 countries, demonstrates this. (To be published).

[21] This statement is a "statistical" statement, which necessarily means that there will be many exceptions to the correlation. Thus we know that poorer people are more likely to vote for the Democratic or Labor parties in the U. S. and England. The fact that a large minority of the lower strata vote for the more conservative party in these countries does not challenge the proposition that stratification position is the main determinant of party choice, given the multivariate causal process involved in the behavior of people or nations. Clearly social science will never be able to account for (predict) all behavior.

(Turkey, Lebanon, Egypt, Syria, Jordan, and Iran), conducted by the Columbia University Bureau of Applied Social Research in 1950–51, found high associations between urbanization, literacy, voting rates, media consumption and production, and education.[22] Simple and multiple correlations between the four basic variables were computed for all countries for which United Nations statistics were available, in this case 54. The multiple correlations, regarding each as the dependent variable in turn, are as follows:[23]

Dependent Variable	Multiple correlation Coefficient
Urbanization	.61
Literacy	.91
Media Participation	.84
Political Participation	.82

In the middle East, Turkey and Lebanon score higher on most of these indices than do the other four countries analyzed, and Lerner points out that the "great post-war events in Egypt, Syria, Jordan and Iran have been the violent struggles for the control of power—struggles notably absent in Turkey and Lebanon, where the control of power has been decided by elections."[24]

One of Lerner's contributions is to point to the consequences, for overall stability, of disproportionate development in one direction or another, and the need for coordinated changes in all of these variables. Thus, he compares urbanization and literacy in Egypt and Turkey, and concludes that although Egypt is far more urbanized than Turkey, it is not really "modernized," and does not even have an adequate base for modernization, because literacy has not kept abreast. In Turkey, all of the several indices of modernization have kept pace with each other, with rising voting participation (36 per cent in 1950), rising literacy, urbanization, etc. In Egypt, by contrast, the cities are full of "homeless illiterates," who provide a ready audience for political mobilization in support of extremist ideologies. On Lerner's scale, following the assumption of the functional interdependence of "modernization" factors, Egypt should be twice as literate as Turkey, since it is twice as urbanized. The fact that it is only half as literate explains, for Lerner, the "imbalances" which "tend to become circular and to accelerate social disorganization," political as well as economic.[25]

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[22] The study is reported in Daniel Lerner, *The Passing of Traditional Society*, (Glencoe: The Free Press, 1958). These correlations are derived from census data; the main sections of the survey dealt with reactions to and opinions about the mass media, with inferences as to the personality types appropriate to modern and to traditional society.

[23] *Ibid.*, p. 63. The index of political participation was the per cent voting in the last five elections. These results cannot be considered as independent verification of the relationships presented in this paper, since the data and variables are basically the same (as they are also in the work by Lyle Shannon, *op. cit.*), but the identical results using three entirely different methods, the phi coefficient, multiple correlations, and means and ranges, show decisively that the relationships cannot be attributed to artifacts of the computations. It should also be noted that the three analyses were made without knowledge of each other.

[24] *Ibid.*, pp. 84–85.

Lerner introduces one important theoretical addition, the suggestion that these key variables in the modernization process may be viewed as historical phases, with democracy a part of later developments, the "crowning institution of the participant society," one of his terms for a modern industrial society. His view on the relations between these variables, seen as stages, is worth quoting at some length:

> The secular evolution of a participant society appears to involve a regular sequence of three phases. Urbanization comes first, for cities alone have developed the complex of skills and resources which characterize the modern industrial economy. Within this urban matrix develop both of the attributes which distinguish the next two phases—literacy and media growth. There is a close reciprocal relationship between these, for the literate develop the media which in turn spread literacy. But, literacy performs the key function in the second phase. The capacity to read, at first acquired by relatively few people, equips them to perform the varied tasks required in the modernizing society. Not until the third phase, when the elaborate technology of industrial development is fairly well advanced, does a society begin to produce newspapers, radio networks, and motion pictures on a massive scale. This in turn, accelerates the spread of literacy. Out of this interaction develop those institutions of participation (*e.g.*, voting) which we find in all advanced modern societies.[26]

Lerner's thesis concerning the functional interdependence of these elements of modernization is by no means established by his data, but the material presented in this paper offers an opportunity for research along these lines. Deviant cases, such as Egypt, where "lagging" literacy is associated with serious strains and potential upheaval, may also be found in Europe and in Latin America, and their analysis, a task not attempted here, will clarify further the basic dynamics of modernization, and the problem of social stability in the midst of institutional change.

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[25] *Ibid.*, pp. 87–89. Other theories of underdeveloped areas have also stressed the circular character of the forces sustaining a given level of economic and social development; and in a sense this paper may be regarded as an effort to extend the analysis of the complex of institutions constituting a "modernized" society to the political sphere. Leo Schnore's unpublished monograph, *Economic Development and Urbanization, An Ecological Approach*, relates technological, demographic and organizational (including literacy and per capita income) variables as an interdependent complex. Harvey Leibenstein's recent volume, *Economic Backwardness and Economic Growth* (New York, 1957), views "underdevelopment" within the framework of a "quasi-equilibrium" economic theory, as a complex of associated and mutually supportive aspects of a society, and includes cultural and political characteristics—illiteracy, the lack of a middle class, a crude communications system—as part of the complex. (See pp. 39–41).

[26] *Ibid.*, p. 60. Lerner also focuses upon certain personality requirements of a "modern" society which may also be related to the personality requirements of democracy. According to him, the physical and social mobility of modern society requires a mobile personality, capable of adaptation to rapid change. Development of a "mobile sensibility so adaptive to change that rearrangement of the self-system is its distinctive mode" has been the work of the 20th century. Its main feature is *empathy*, denoting the "general capacity to see oneself in the other fellow's situation, whether favorably or unfavorably." (p. 49 ff.) Whether this psychological characteristic results in a predisposition toward democracy (implying a willingness to accept the viewpoint of others) or is rather associated with the anti-democratic tendencies of a "mass society" type of personality (implying the lack of any solid personal values rooted in rewarding participation) is an open question. Possibly empathy, a more or less "cosmopolitan" outlook, is a general personality characteristic of modern societies, with other special conditions determining whether or not it has the social consequence of tolerance and democratic attitudes, or rootlessness and anomie.

A number of processes underlie these correlations, observed in many areas of the world, in addition to the effect, already discussed, of a high level of education and literacy in creating or sustaining belief in democratic norms. Perhaps most important is the relationship between modernization and the form of the "class struggle." For the lower strata, economic development, which means increased income, greater economic security, and higher education, permit those in this status to develop longer time perspectives and more complex and gradualist views of politics. A belief in secular reformist gradualism can only be the ideology of a relatively well-to-do lower class.[27] Increased wealth and education also serve democracy by increasing the extent to which the lower strata are exposed to cross pressures which will reduce the intensity of their commitment to given ideologies and make them less receptive to supporting extremist ones. The operation of this process will be discussed in more detail in the second part of the paper, but essentially it functions through enlarging their involvement in an integrated national culture as distinct from an isolated lower class one, and hence increasing their exposure to middle-class values. Marx argued that the proletariat were a revolutionary force because they have nothing to lose but their chains and can win the whole world. But Tocqueville in analyzing the reasons why the lower strata in America supported the system paraphrased and transposed Marx before Marx ever made this analysis, by pointing out that "only those who have nothing to lose ever revolt."[28]

Increased wealth is not only related causally to the development of democracy by changing the social conditions of the workers, but it also affects the political role of the middle class through changing the shape of the stratification structure so that it shifts from an elongated pyramid, with a large lower-class base, to a diamond with a growing middle-class. A large middle class plays a mitigating role in moderating conflict since it is able to reward moderate and democratic parties and penalize extremist groups.

National income is also related to the political values and style of the upper class. The poorer a country, and the lower the absolute standard of living of the lower classes, the greater the pressure on the upper strata to treat the lower classes as beyond the pale of human society, as vulgar, as innately inferior, as a lower caste. The sharp difference in the style of living between those at the top and those at the bottom makes this psychologically necessary. Consequently, the upper strata also tend to regard political rights for the lower strata, particularly the right to share in power, as essentially absurd and immoral. The upper strata not only resist democracy themselves, but their often arrogant political behavior serves to intensify extremist reactions on the part of the lower classes.

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[27] See S. M. Lipset, "Socialism—East and West—Left and Right," *Confluence*, Vol. 7 (Summer 1958), pp. 173–192.

[28] Alexis de Tocqueville, *Democracy in America*, Vol. I (New York: Alfred A. Knopf, Vintage edition, 1945), p. 258.

The general income level of a nation will also affect its receptivity to democratic political tolerance norms. The values which imply that it does not matter greatly which side rules, that error can be tolerated even in the governing party can best develop where (a) the government has little power to affect the crucial life chances of most powerful groups, or (b) there is enough wealth in the country so that it actually does not make too much difference if some redistribution does take place. If loss of office is seen as meaning serious loss for major power groups, then they will be readier to resort to more drastic measures in seeking to retain or secure office. The wealth level will also affect the extent to which given countries can develop "universalistic" norms among its civil servants and politicians (selection based on competence; performance without favoritism). The poorer the country, the greater the emphasis which is placed on nepotism, *i.e.*, support of kin and friends. The weakness of the universalistic norms reduces the opportunity to develop efficient bureaucracy, a condition for a modern democratic state.[29]

Less directly linked but seemingly still associated with greater wealth is the presence of intermediary organizations and institutions which can act as sources of countervailing power, and recruiters of participants in the political process in the manner discussed by Tocqueville and other exponents of what has come to be known as the theory of the "mass society."[30] They have argued that a society without a multitude of organizations relatively independent of the central state power has a high dictatorial as well as a revolutionary potential. Such organizations serve a number of functions necessary to democracy: they are a source of countervailing power, inhibiting the state or any single major source of private power from dominating all political resources; they are a source of new opinions; they can be the means of communicating ideas, particularly opposition ideas, to a large section of the citizenry; they serve to train men in the skills of politics; and they help increase the level of interest and participation in politics. Although there are no reliable data which bear on the relationship between national patterns of voluntary organizations and national political systems, evidence from studies of individual behavior within a number of different countries demonstrates that, independently of other factors, men who belong to associations are more likely to hold democratic opinions on questions concerning tolerance and party systems, and are more likely to participate in the political process—to be active or to vote. Since we also know that, within countries, the more well-to-do and the better educated one is, the more likely he is to belong to voluntary organizations, it seems likely that the propensity to form such groups is a function of level of income and opportunities for leisure within given nations.[31]

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[29] For a discussion of this problem in a new state, see David Apter, *The Gold Coast in Transition* (Princeton University Press, 1955), esp. chapters 9 and 13. Apter shows the importance of efficient bureaucracy, and the acceptance of bureaucratic values and behavior patterns, for the existence of a democratic political order.

[30] See Emil Lederer, *The State of the Masses* (New York, 1940); Hannah Arendt, *Origins of Totalitarianism* (New York, 1950); Max Horkheimer, *Eclipse of Reason* (New York, 1947); Karl Mannheim, *Man and Society in an Age of Reconstruction* (New York, 1940); Philip Selznick, *The Organizational Weapon* (New York, 1952); José Ortega y Gasset, *The Revolt of the Masses* (New York, 1932).

It is obvious that democracy and the conditions related to stable democracy discussed here are essentially located in the countries of northwest Europe and their English-speaking offspring in America and Australasia. It has been argued by Max Weber among others that the factors making for democracy in this area are a historically unique concatenation of elements, part of the complex which also produced capitalism in this area. The basic argument runs that capitalist economic development (facilitated and most developed in Protestant areas) created the burgher class whose existence was both a catalyst and a necessary condition for democracy. The emphasis within Protestantism on individual responsibility furthered the emergence of democratic values. The greater initial strength of the middle classes in these countries resulted in an alignment between burghers and throne, an alignment which preserved the monarchy, and thus facilitated the legitimation of democracy among the conservative strata. Thus we have an interrelated cluster of economic development, Protestantism, monarchy, gradual political change, legitimacy and democracy.[32] Men may argue as to whether any aspect of this cluster is primary, but the cluster of factors and forces hangs together.

[31] See Edward Banfield, *The Moral Basis of a Backward Society* (Glencoe: The Free Press, 1958), for an excellent description of the way in which abysmal poverty serves to reduce community organization in southern Italy. The data which do exist from polling surveys conducted in the United States, Germany, France, Great Britain, and Sweden show that somewhere between 40 and 50 per cent of the adults in these countries belong to voluntary associations, without lower rates of membership for the less stable democracies, France and Germany, than among the more stable ones, the United States, Great Britain, and Sweden. These results seemingly challenge the general proposition, although no definite conclusion can be made, since most of the studies employed non-comparable categories. This point bears further research in many countries. For the data on these countries see the following studies: for France, Arnold Rose, *Theory and Method in the Social Sciences* (Minneapolis, University of Minnesota Press, 1954), p. 74; and O. R. Gallagher, "Voluntary Associations in France," *Social Forces*, Vol. 36 (Dec. 1957), pp. 154–156; for Germany, Erich Reigrotski, *Soziale Verflechtungen in der Bundesrepublik* (Tubingen: J. C. B. Mohr, 1956), p. 164; for the U. S., Charles R. Wright and Herbert H. Hyman, "Voluntary Association Memberships of American Adults: Evidence from National Sample Surveys," *American Sociological Review*, Vol. 23 (June 1958), p. 287, and J. C. Scott, Jr., "Membership and Participation in Voluntary Associations," *id.*, Vol. 22 (1957), pp. 315–326; Herbert Maccoby, "The Differential Political Activity of Participants in a Voluntary Association," *id.*, Vol. 23 (1958), pp. 524–533; for Great Britain see Mass Observation, *Puzzled People* (London: Victor Gollanz, 1947), p. 119; and Thomas Bottomore, "Social Stratification in Voluntary Organizations," in David Glass, ed., *Social Mobility in Britain* (Glencoe: The Free Press, 1954), p. 354; for Sweden see Gunnar Heckscher, "Pluralist Democracy: The Swedish Experience," *Social Research*, Vol. 15 (December 1948), pp. 417–461.

[32] In introducing historical events as part of the analysis of factors *external* to the political system, which are part of the causal nexus in which democracy is involved, I am following in good sociological and even functionalist tradition. As Radcliffe-Brown

III. LEGITIMACY AND DEMOCRACY

In this section I turn to an examination of some of the requisites of democracy which are derived from specifically historical elements in this complex, particularly those which relate to the need of a democratic political system for legitimacy, and for mechanisms which reduce the intensity of political cleavage. These requisites are correlated with economic development, but are also distinct from it since they are elements in the political system itself.

Legitimacy and Effectiveness. In the modern world, as the previous section has attempted to document, economic development involving industrialization, urbanization, high educational standards, and a steady increase in the overall wealth of the society, is a basic condition sustaining democracy; it is a mark of the efficiency of the total system.

But the stability of a given democratic system depends not only on the system's efficiency in modernization, but also upon the *effectiveness* and *legitimacy* of the political system. By effectiveness is meant the actual performance of a political system, the extent to which it satisfies the basic functions of government as defined by the expectations of most members of a society, and the expectations of powerful groups within it which might threaten the system, such as the armed forces. The effectiveness of a democratic political system, marked by an efficient bureaucracy and decision-making system, which is able to resolve political problems, can be distinguished from the efficiency of the total system, although breakdown in the functioning of the society as a whole will, of course, affect the political sub-system. Legitimacy involves the capacity of a political system to engender and maintain the belief that existing political institutions are the most appropriate or proper ones for the society. The extent to which contemporary democratic political systems are legitimate depends in large measure upon the ways in which the key issues which have historically divided the society have been resolved. It is the task of these sections of the paper to show *first*, how the degree of legitimacy of a democratic system may affect its capacity to survive the crises of effectiveness, such as depressions or lost wars and *second*, to indicate the ways in which the different resolutions of basic historical cleavages—which determine the legitimacy of various systems—also strengthen or weaken democracy through their effect on contemporary party struggles.

While effectiveness is primarily an instrumental dimension, legitimacy is more affective and evaluative. Groups will regard a political system as legiti-

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has well put it, " . . . one 'explanation' of a social system will be its history, where we know it—the detailed account of how it came to be, what it is and where it is. Another 'explanation' of the same system is obtained by showing . . . that it is a special exemplification of laws of social psychology or social functioning. The two kinds of explanation do not conflict but supplement one another." A. R. Radcliffe-Brown, "On the Concept of Function in Social Science," *American Anthropologist*, New Series, Vol. 37 (1935), p. 401; see also Max Weber, *The Methodology of the Social Sciences* (Glencoe: The Free Press, 1949), pp. 164–188, for a detailed discussion of the role of historical analysis in sociological research.

mate or illegitimate according to the way in which its values fit in with their primary values. Important segments of the German army, civil service, and aristocratic classes rejected the Weimar Republic not because it was ineffective, but because its symbolism and basic values negated their own. Legitimacy, in and of itself, may be associated with many forms of political organization, including oppressive ones. Feudal societies, before the advent of industrialism, undoubtedly enjoyed the basic loyalty of most of their members. Crises of legitimacy are primarily a recent historical phenomenon, following the rise of sharp cleavages among groups which have been able, because of mass communication resources, to organize around different values than those previously considered to be the only legitimate ones for the total society.

A crisis of legitimacy is a crisis of change, and therefore its roots, as a factor affecting the stability of democratic systems, must be sought in the character of change in modern society. It may be hypothesized that crises of legitimacy occur during a transition to a new social structure, if (a) all major groups do not secure access to the political system early in the transitional period, or at least as soon as they develop political demands; or, if (b) the *status* of major conservative institutions is threatened during the period of structural change. After a new social structure is established, if the new system is unable to sustain the expectations of major groups (on the grounds of "effectiveness") for a long enough period to develop legitimacy upon the new basis, a new crisis may develop.

Tocqueville gave a graphic description of the first general type of loss of legitimacy, referring mainly to countries which had moved from aristocratic monarchies to democratic republics: " . . . epochs sometimes occur in the life of a nation when the old customs of a people are changed, public morality is destroyed, religious belief shaken, and the spell of tradition broken. . . . " The citizens then have "neither the instinctive patriotism of a monarchy nor the reflecting patriotism of a republic; . . . they have stopped between the two in the midst of confusion and distress."[33]

If, however, the status of major conservative groups and symbols is not threatened during this transitional period even though they lose most of their power, democracy seems to be much more secure. Striking evidence of the link between the preserved legitimacy of conservative institutions and democracy is the relationship between monarchy and democracy. Given the role of the American and French republican revolutions as the initiators of modern democratic political movements, the fact that ten out of 12 of the stable European and English-speaking democracies are monarchies seems a rather ludicrous correlation. Great Britain, Sweden, Norway, Denmark, the Netherlands, Belgium, Luxemburg, Australia, Canada, and New Zealand are kingdoms; while the only republics which meet the twin conditions, of stable democratic procedures since democracy was instituted, and the absence of a major totalitarian movement in the past 25 years, are the United States, Switzerland and Uruguay.

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[33] *Op. cit.*, pp. 251–252.

Nations which have moved from absolutism and oligarchy (linked to a state church) to a democratic welfare state, while retaining the forms of monarchy, more frequently seem able to make changes while sustaining a continuous thread of legitimacy for their political institutions.[34]

The preservation of the monarchy has apparently retained for the system the loyalty of the aristocratic, traditionalist, and clerical sectors of the population which resented increased democratization and equalitarianism. And, by more graciously accepting the lower strata, by not resisting to the point that revolution might be necessary, the conservative orders won or retained the loyalty of the new "citizens." Where monarchy was overthrown by revolution, and orderly succession was broken, those forces aligned with monarchy have sometimes continued to refuse legitimacy to republican successors down to the fifth generation or more.

The one constitutional monarchy which became a Fascist dictatorship, Italy, was, like the French Republic, relatively new and still illegitimate for major groups in the society. The House of Savoy alienated the Catholics by destroying the temporal power of the Popes, and was also not a legitimate successor in the old Kingdom of the Two Sicilies. Catholics, in fact, were forbidden by the church to participate in Italian politics until close to World War I, and the church rescinded its original ban only because of its fear of the Socialists. A similar attitude was taken by French Catholics to the Third Republic during the same period. Both Italian and French democracy have had to operate for much of their histories without loyal support from important groups in their society, both on the left and on the right. Thus, one main source of legitimacy lies in the continuity of primary conservative and integrative institutions during a transitional period in which new social institutions are emerging.

The second general type of loss of legitimacy is, as indicated above, related to the way in which societies handle the "entry into politics" problem. The determination of when new social groups shall obtain access to the political process affects the legitimacy of the political system, either for conservative or for emerging groups. In the 19th century these new groups were primarily industrial workers; the "entry into politics" crisis of the 20th century typically involves colonial elites, and peasant peoples. Whenever new groups become politically active (*e.g.*, when the workers first seek access to economic and political power through economic organization and the suffrage, when the bourgeoisie demanded access to and participation in government, when colonial elites demand control over their own system), comparatively easy access to the *legitimate* political institutions tends to win the loyalty of the new groups to the system, and they in turn can permit the old dominating strata to maintain their own status integrity. In nations such as Germany, where access was denied for prolonged periods, first to the bourgeoisie and later to the workers, and where force was used to restrict access, the lower strata were alienated from the system, and were led to adopt extremist ideologies which, in turn, alienated the more established groups from an acceptance of the workers' political movement as a legitimate alternative.

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[34] Walter Lippmann, referring to the seemingly greater capacity of the constitutional monarchies than the republics of Europe to "preserve order with freedom," suggests that this may be because "in a republic the governing power, being wholly secularized, loses much of its prestige; it is stripped, if one prefers, of all the illusions of intrinsic majesty." See his *The Public Philosophy* (New York: Mentor Books, 1956), p. 50.

Political systems which denied new strata access to power except through revolutionary means also inhibited the growth of legitimacy by introducing millenial hopes into the political arena. Groups which feel obliged to push their way into the body politic through forceful means tend to overexaggerate the possibilities which political participation afford. Their hopes are for far more than the inherent limitations of political stability permit. Consequently, democratic regimes born under such stress will not only face the difficulty of being regarded as illegitimate by those groups loyal to the *ancien regime*, but may be also rejected by those whose millenial hopes were not fulfilled by the change. France seems to offer an example of such a phenomenon. Right-wing clericalists have viewed the Republic as illegitimate, while sections of the lower strata still impatiently await millenial fulfillment. Many of the newly independent nations of Asia and Africa face the problem of winning the loyalties of the masses to democratic states which can do little to fulfill the utopian objectives set by nationalist movements during the period of colonialism, and the transitional struggle to independence.

We have discussed several conditions bearing upon the maintenance, or the initial securing of legitimacy by a political system. Assuming reasonable effectiveness, if the status of major conservative groups is threatened, or if access to the political system is denied at crucial periods, the legitimacy of the system will remain in question. Even in legitimate systems, a breakdown of effectiveness, repeatedly or for a long period, will endanger its stability.

A major test of legitimacy is the extent to which given nations have developed a common "secular political culture," national rituals and holidays which serve to maintain the legitimacy of various democratic practices.[35] The United States has developed a common homogeneous secular political culture as reflected in the veneration and consensus surrounding the Founding Fathers, Jefferson, Lincoln, Theodore Roosevelt and their principles. These common elements to which all American politicians appeal are not present in all democratic societies. In some European countries, the Left and the Right have a different set of symbols, and different historical political heroes. France offers the clearest example of a nation which has not developed such a common heritage. Thus many of the battles involving use of different symbols between the left and the right from 1789 down through much of the 19th century are "still in progress, and the issue is still open; everyone of these dates [of major political controversy] still divides left and right, clerical and anti-clerical, progressive and reactionary, in all their historically determined constellations."[36]

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[35] See Gabriel Almond, "Comparative Political Systems," *Journal of Politics*, Vol. 18 (1956), pp. 391–409.

[36] Herbert Luethy, *The State of France* (London: Secker and Warburg, 1955), p. 29.

As we have seen, nations may vary in the extent to which their political institutions are viewed as legitimate by different strata. And knowledge concerning the relative degree of legitimacy of a nation's political institutions is of key importance in any effort to analyze the stability of these institutions when faced with a crisis of effectiveness. The relationship between different degrees of legitimacy and effectiveness in specific political systems may be more graphically presented in the form of a four-fold table, with examples of countries characterized by the various possible combinations.

		EFFECTIVENESS	
		+	−
LEGITIMACY	+	A	B
	−	C	D

Societies which fall in box A, those which are high on the scales of both legitimacy and effectiveness, will clearly have stable political systems. Nations like the United States, Sweden, and Britain satisfy the basic political needs of their citizens, have efficient bureaucracies and political decision-making systems, possess traditional legitimacy through long-term continuity of the key symbols of sovereignty, the monarchy or constitution, and do not contain any important minorities whose basic values run counter to those of the system.[37] Ineffective and illegitimate regimes, those which would be found in box D, must, of course, by definition be unstable and break down, unless they are dictatorships maintaining themselves by force such as the governments of Hungary and eastern Germany today. The political experiences of different countries in the early 1930's illustrate the effect of varying combinations of legitimacy and effectiveness. In the late 1920's, neither the German nor the Austrian republics were held legitimate by large and powerful segments of their populations, but nevertheless remained reasonably effective.[38] In the four-fold table, they fell in box C.

When the effectiveness of the governments of the various countries broke down in the 1930's, those societies which were high on the scale of legitimacy remained democratic, while countries which were low such as Germany, Austria, and Spain, lost their freedom, and France narrowly escaped a similar fate. Or to put the changes in terms of location in the four-fold table, countries

[37] The race problem in the American South does constitute one basic challenge to the legitimacy of the system, and at one time did cause a breakdown of the national order. The conflict reduces the commitment of many white Southerners to the democratic rules down to the present. Great Britain had a comparable problem as long as Catholic Ireland remained part of the United Kingdom. Effective government could not satisfy Ireland. Political practices by both sides in Northern Ireland, Ulster, also illustrate the problem of a regime which is not legitimate to a large segment of its population.

[38] For an excellent analysis of the permanent crisis of the Austrian republic which flowed from the fact that it was viewed as an illegitimate regime by the Catholics and conservatives, see Charles Gulick, *Austria From Hapsburg to Hitler* (Berkeley: University of California Press, 1948).

which shifted from A to B remained democratic, while the political systems of those which shifted from C to D broke down. It remained for the military defeat in 1940 to prove conclusively the low position of French democracy on the scale of legitimacy. It was the sole defeated democracy which furnished large-scale support for a Quisling regime.[39]

Situations such as those discussed above in which either legitimacy or effectiveness is high while the other is low demonstrate the utility of this type of analysis. From a short-range point of view, a highly effective but illegitimate system, such as a well governed colony, is more unstable than regimes which are relatively low in effectiveness and high in legitimacy. The social stability of a nation such as Thailand—even with its occasional *coups d'états*—stands out in sharp contrast to the situation in the neighboring former colonial nations of Southeast Asia. The link between the analysis of legitimacy and the earlier discussion of the contribution of economic development to democracy is evident in the processes through which regimes low in legitimacy may gain it, and conversely in those which are related to the collapse of a legitimate system. Prolonged effectiveness which lasts over a number of generations may give legitimacy to a political system; in the modern world, such effectiveness mainly means constant economic development. Thus those nations which adapted most successfully to the requirements of an industrial system had the fewest internal political strains, and either preserved their traditional legitimacy, the monarchy, or developed new strong symbols of legitimacy.

The social and economic structure which Latin America inherited from the Iberian peninsula prevented it from following the lead of the former English colonies, and its republics never developed the symbols and aura of legitimacy. In large measure, the survival of the new political democracies of Asia and Africa is related to their ability to sustain a prolonged period of effectiveness, of being able to meet the defined instrumental needs of their populations.

Legitimacy and Cleavage. Prolonged effectiveness of the system as a whole may, as in the cases of the United States and Switzerland, eventually legitimate the democratic political system. Inherent, however, in all democratic systems is the constant threat that the conflicts among different groups which are the life-blood of the system may crystallize to the point where societal disintegration is threatened. Hence, conditions which serve to moderate the intensity of partisan battle, in addition to effectiveness, are among the key requisites for a democratic political system.

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[39] The French legitimacy problem is well described by Katherine Munro: "The Right wing parties never quite forgot the possibility of a counter revolution while the Left wing parties revived the Revolution militant in their Marxism or Communism; each side suspected the other of using the Republic to achieve its own ends and of being loyal only so far as it suited it. This suspicion threatened time and time again to make the Republic unworkable, since it led to obstruction in both the political and the economic sphere, and difficulties of government in turn undermined confidence in the regime and its rulers." Quoted in Charles A. Micaud, "French Political Parties: Ideological Myths and Social Realities," in Sigmund Neumann, ed., *Modern Political Parties* (Chicago: University of Chicago Press, 1956), p. 108.

Since the existence of a moderate state of conflict is an inherent aspect of a legitimate democratic system, and is in fact another way of defining it, we should not be surprised that the principal factors determining such an optimum state are closely linked to those which produce legitimacy viewed in terms of continuities of symbols and status. Essentially the character and content of the major cleavages affecting the political stability of a society are largely determined by historical factors which have affected the way in which major issues dividing society have been solved or left unresolved over time.

In modern times, three major issues have emerged in western states. The first was the religious issue: the place of the church and/or various religions within the nation. The second has been the problem of the admission of the lower strata, particularly the workers, to "citizenship," the establishment of access to power through universal suffrage, and the legitimate right to bargain collectively in the economic sphere. The third has been the continual struggle over the distribution of the national income.

The significant general question here is this: were these major issues dealt with one by one, and each one more or less solved before the next arose, or did the problems accumulate, so that historical issues and sources of cleavage mixed with newer ones? Resolving tensions one at a time contributes toward a stable political system; carrying over issues from one historical period to another makes for a political atmosphere characterized by bitterness and frustration rather than by tolerance and compromise. Men and parties come to differ with each other, not simply on ways of settling current problems, but rather by fundamental and opposed *weltanschauungen.* They come to see the political victory of their opponents as a major moral threat; and the total system, as a result, lacks effective value-integration.

The religious issue, the place of the church in the society, was fought through and solved in most of the Protestant nations in the 18th and 19th centuries, and ceased to be a matter for serious political controversy. In some states, such as the United States, the church was disestablished and it accepted this result. In others, such as Britain, Scandinavia, and Switzerland, religion remains state-supported, but the state churches, like constitutional monarchs, have only nominal sway and have ceased to be major sources of controversy. It remains for the Catholic countries of Europe to provide us with examples of situations in which the historic controversy between clerical and anti-clerical forces, sparked by the French Revolution, has continued to divide men politically down to the present day. Thus in countries such as France, Italy, Spain, and Austria, being Catholic has meant being allied with rightist or conservative groups in politics; while being anti-clerical (or a member of a minority religion) has most often meant alliance with the left. In a number of these countries, newer issues, when they emerged, became superimposed on the religious question; and for conservative Catholics, the fight against Socialists was not simply an economic struggle, or a controversy over social institutions, but a deep-rooted conflict between God and Satan, between good and evil.[40] For many secular intellectuals in contemporary Italy, opposition to the church legitimates alliance with the Communists. As long as religious ties reinforce secular political alignments, the chances for democratic give-and-take, and compromise, are weak.

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[40] The linkage between democratic instability and Catholicism may also be accounted for by elements inherent in Catholicism as a religious system. Democracy requires a

The "citizenship" or "political equality" issue has also been resolved in various ways. Thus the United States and Britain gave citizenship to the workers in the early or mid-nineteenth century. Sweden and a number of European nations resisted through the beginning of the 20th century, and the struggle for citizenship became combined in these countries with socialism as a *political* movement, thereby producing a revolutionary socialism. Or to put this in other terms, where the workers were denied economic and political citizenship rights, their struggle for redistribution of income and status was superimposed on a revolutionary ideology. Where the economic and status struggle developed outside this context, the ideology with which it was linked tended to be that of gradualist reformism. In Hohenzollern Germany, for example, the workers were denied a free and equal suffrage in Prussia until the revolution of 1918. This denial of "citizenship" facilitated the retention of revolutionary Marxism in those parts of Germany where equal suffrage did not exist. In Southern Germany, where full citizenship rights were granted in the late 19th century, reformist, democratic, and non-revolutionary socialism was dominant. The perpetuation of revolutionary dogmas in much of the Social Democratic party served to give ultra-leftists a voice in party leadership, enabled the Communists to win strength after the military defeat, and perhaps even more important historically, served to frighten large sections of the German middle classes. The latter feared that a socialist victory would really mean an end to all their privileges and status.

In France, the workers won the suffrage but were refused basic economic rights until after World War II. Major groups of French employers denied legitimacy to the French trade-unions, and sought to weaken or destroy them following every trade-union victory. The instability of the French unions, their constant need to preserve worker militancy to survive, gave access to the workers to the more revolutionary and extremist political groups. Communist

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universalistic political belief system in the sense that it legitimates different ideologies. And it might be assumed that religious value systems which are more universalistic in the sense of placing less stress on being the only true church will be more compatible with democracy than those which assume that they have the only truth. The latter belief, held much more strongly by the Catholic than by most other Christian churches, makes it difficult for the religious value system to help legitimate a political system which requires, as part of its basic value system, the belief that "good" is served best through conflict among opposing beliefs.

Kingsley Davis has argued that a Catholic state church tends to be irreconcilable with democracy since "Catholicism attempts to control so many aspects of life, to encourage so much fixity of status and submission to authority, and to remain so independent of secular authority that it invariably clashes with the liberalism, individualism, freedom, mobility and sovereignty of the democratic nation." See his "Political Ambivalence in Latin America," *Journal of Legal and Political Sociology*, Vol. 1 (1943), reprinted in Christensen, *The Evolution of Latin American Government* (New York, 1951), p. 240.

domination of the French labor movement can in large part be traced to the tactics of the French business classes.

The examples presented above do not explain why different countries varied in the way they handled basic national cleavages. They should suffice, however, to illustrate the worth of a hypothesis relating the conditions for stable democratic government to the bases of diversity. Where a number of historic cleavages intermix and create the basis for *weltanschauung* politics, the democracy will be unstable and weak, for by definition such political views do not include the concept of tolerance.

Weltanschauung politics have also weakened the possibilities for a stable democracy, since parties characterized by such total ideologies have often attempted to create what Sigmund Neumann has called an "integrated" environment, one in which as much as possible of the lives of their members is encapsulated within ideologically linked activities. These actions are based on the assumption that it is important to isolate their followers from contact with "falsehood" expressed by non-believers. Neumann has suggested the need for a basic analytic distinction between parties of representation, which strengthen democracy, and parties of integration which weaken it.[41] The former are typified by most parties in the English-speaking democracies and in Scandinavia, and by most centrist and conservative parties other than the religious ones. They view the party function as primarily one of securing votes around election time. The parties of integration, on the other hand, are concerned with making the world conform to their basic philosophy or *weltanschauung*. They do not see themselves as contestants in a give-and-take game of pressure politics, in which all parties accept the rules of the game. Rather they view the political or religious struggle as a contest between divine or historic truth on one side and fundamental error on the other. Given this conception of the world, it becomes necessary to prevent their followers from being exposed to the cross-pressures flowing from contact with falsehood, which will reduce their faith.

The two major non-totalitarian groupings which have followed such procedures have been the Catholics and the Socialists. In general, in much of Europe before 1939, the Catholics and Socialists attempted to increase intra-religious or intra-class communications by creating a network of church- and party-linked social and economic organizations within which their followers could live their entire lives. Austria offers perhaps the best example of a situation in which two groups, the Social Catholics and the Social Democrats, divided over all three historic issues and separated the country into two hostile camps, which carried out much of their social activities in party or church-linked organizations.[42]

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[41] See Sigmund Neumann, *Die Deutschen Parteien: Wesen und Wandel nach dem Kriege* (2nd ed., Berlin, 1932), for exposition of the distinction between parties of integration and parties of representation. Neumann has further distinguished between parties of "democratic integration" (the Catholic, and Social Democratic parties) and those of "total integration" (Fascists and Communist parties) in his more recent chapter, "Toward a Comparative Study of Political Parties," in the volume which he edited: *Modern Political Parties* (Chicago: University of Chicago Press, 1956), pp. 403–405.

The totalitarian organizations, Fascist and Communist, expanded the integrationist character of political life to the furthest limit possible. They outdo all other groups in defining the world in struggle terms, and in seeing the corrupting influences either of Judaism or capitalism as requiring the insulation of the true believers.

Efforts by democratic parties of integration to isolate their social base from cross-pressures are clearly disruptive of the requirements for a stable democracy in which there is shifting from one election to another, and in which issues between parties are allowed to be resolved over time. Isolation may intensify loyalty to the party or church, but it may also serve to prevent a party from reaching new strata. The Austrian situation also illustrates the frustration of the electoral process which results when most of the electorate is encapsulated within parties of integration. The necessary rules of democratic politics assume that conversion both ways, into and out of a party, is possible and accepted as proper. Parties which hope to gain a majority by democratic methods must ultimately give up their integrationist tendencies. The only justification for isolation from the rest of the culture is a strong commitment to the idea that the party possesses the only truth, that there are certain basic issues which must be resolved by the triumph of historic truth. As the working-class has gained complete citizenship in the political and economic spheres in different countries, the Socialist parties of Europe have dropped their integrationist emphasis. The only non-totalitarian parties which can and do maintain such policies are religious parties such as the Catholic parties, or the Calvinist Anti-Revolutionary party of Holland. Clearly, the Catholic and Dutch Calvinist churches are not "democratic" in the sphere of religion. They insist there is but one truth, as the Communists and Fascists do in politics. Catholics may accept the assumptions of political democracy, but never those of religious tolerance. And where the conflict between religion and irreligion is viewed as salient by Catholics or other believers in a one true church, then a real dilemma exists for the democratic process. Many political issues which in other countries may be easily compromised become aggravated by the religious issue, and cannot be settled.

The intense forms of cleavage developed by that cumulation of unresolved issues which creates *weltanschauung* politics is sustained by the systematic segregation of different strata of the population in organized political or religious enclaves. Conversely, however, it should be noted that wherever the social structure operates so as naturally to "isolate" individuals or groups with the same political disposition characteristics from contact with differing views, those so isolated tend to back political extremists.

It has been repeatedly remarked, for example, that workers in so-called "isolated" industries, miners, sailors, fishermen, lumbermen, sheep-tenders, and longshoremen, tend to give overwhelming support to the more left-wing tendencies. Such districts tend to vote Communist or Socialist by large majorities, sometimes to the point of having what is essentially a "one-party" system in the areas concerned. Isolation is created by the fact that the requirements of the job make workers in these industries live in communities which are predominately inhabited by others in the same occupation. And this very isolation seems to reduce the pressures on such workers to be tolerant of other points of view, to contain among themselves diverse strains of thought; and makes them receptive to extremist versions of the doctrine generally held by other less isolated members of their class. One should expect that the least "cosmopolitan" (the most isolated) of every political predisposition, or stratum, will be the ones most likely to accept extremism. The political intolerance of farm-based groups in times of crisis may be another illustration of this pattern, since farmers, like workers in isolated industries, tend to have a more homogeneous political environment than do those employed in most urban occupations.[43]

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[42] See Charles Gulick, *op. cit.* For their post-World War II formula for compromising this antagonism, see Herbert P. Secher, "Coalition Government: The Case of the Second Austrian Republic," this REVIEW, Vol. 52 (Sept. 1958), p. 791.

These conclusions are further confirmed by studies of individual voting behavior which indicate that individuals under cross pressures—those who belong to groups predisposing in different directions, who have friends supporting different parties, who are regularly exposed to the propaganda of different tendencies—are less likely to be strongly committed politically.[44]

Multiple and politically inconsistent affiliations and loyalties are stimuli that serve to reduce the emotion and aggressiveness involved in political choice. For example, in contemporary Germany, a working-class Catholic, pulled in two directions, will most probably vote Christian-Democratic, but is much more tolerant of the Social Democrats than the average middle-class Catholic.[45] Where a man belongs to a variety of groups such that all predispose toward the same political choice, he is in the situation of the isolated worker, and is much less likely to exhibit tolerance of opposition opinions, or view the possibility of their coming to power with equanimity.

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[43] This tendency obviously varies with relation to urban communities, type of rural stratification, and so forth. For a discussion of the role of vocational homogeneity and political communication among farmers, see S. M. Lipset, *Agrarian Socialism* (Berkeley: University of California Press, 1950), chapter 10, "Social Structure and Political Activity." For evidence on the undemocratic propensities of rural populations see Samuel A. Stouffer, *op. cit.*, pp. 138–9. National Public Opinion Institute of Japan, Report No. 26, *A Survey Concerning the Protection of Civil Liberties* (Tokyo, 1951) reports that the farmers were by far the occupational group least concerned with civil liberties. Carl Friedrich in accounting for the strength of nationalism and Nazism among German farmers suggests similar factors: that "the rural population is more homogeneous, that it contains a smaller number of outsiders and foreigners, that it has much less contact with foreign countries and peoples, and finally that its mobility is much more limited." "The Agricultural Basis of Emotional Nationalism," *Public Opinion Quarterly*, Vol. 1 (1937), pp. 50–51.

[44] Perhaps the first general statement of the consequences of "cross-pressures" on individual and group behavior may be found in Georg Simmel, *Conflict and the Web of Group Affiliations* (Glencoe: The Free Press, 1956), pp. 126–195. It is an interesting example of discontinuity in social research that the concept of cross-pressures was used by Simmel, but had to be independently rediscovered in voting research. For a detailed application of the effect of multiple-group affiliations on the political process in general, see David Truman, *The Governmental Process* (New York, 1951).

[45] See Juan Linz, *The Social Basis of German Politics*, Ph.D. thesis, Columbia University, 1958.

The evidence available suggests that the chances for stable democracy are enhanced to the extent that social strata, groups and individuals have a number of cross-cutting politically relevant affiliations. To the degree that a significant proportion of the population is pulled among conflicting forces, such groups and individuals have an interest in reducing the intensity of political conflict.[46] As Robert Dahl and Talcott Parsons have pointed out, such groups and individuals also have an interest in protecting the rights of political minorities.[47]

A stable democracy requires relatively moderate tension among the contending political forces. And political moderation is facilitated by the capacity of a system to resolve key dividing issues before new ones arise. To the extent that the cleavages of religion, citizenship, and "collective bargaining" have been allowed to cumulate and reinforce each other as stimulants of partisan hostility, the system is weakened. The more reinforced and correlated the sources of cleavage, the less the likelihood for political tolerance. Similarly, on the level of group and individual behavior, the greater the isolation from heterogeneous political stimuli, the more that background factors "pile up" in one direction, the greater the chances that the group or individual will have an extremist perspective. These two relationships, one on the level of partisan issues, the other on the nature of party support, are linked together by the fact that parties reflecting accumulated unresolved issues will seek to isolate their followers from conflicting stimuli, to prevent exposure to "error," while isolated individuals and groups will strengthen the intolerant tendencies in the political party system. The conditions maximizing political cosmopolitanism among the electorate are the growth of urbanization, education, communications media, and increased wealth. Most of the obvious isolated occupations, mining, lumbering, agriculture, belong to the category of "primary" occupations, occupations whose relative share of the labor force declines sharply with economic development.[48]

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[46] See B. Berelson, P. F. Lazarsfeld, and W. McPhee, *Voting* (Chicago: University of Chicago Press, 1954), for an exposition of the usefulness of cross-pressure as an explanatory concept. Also, see S. M. Lipset, J. Linz, P. F. Lazarsfeld, and A. Barton, "Psychology of Voting," in *Handbook of Social Psychology*, Vol. 2 (Cambridge: Addison-Wesley, 1954), for an attempt to specify the consequences of different group memberships for voting behavior, and a review of the literature.

[47] As Dahl puts it, "if most individuals in the society identify with more than one group, then there is some positive probability that any majority contains individuals who identify for certain purposes with the threatened minority. Members of the threatened minority who strongly prefer their alternative will make their feelings known to those members of the tentative majority who also, at some psychological level, identify with the minority. Some of these sympathizers will shift their support away from the majority alternative and the majority will crumble." See Robert A. Dahl, *A Preface to Democratic Theory* (Chicago: University of Chicago Press, 1956), pp. 104–5. Parsons suggests that "pushing the implications of political difference too far activates the solidarities between adherents of the two parties which exist on other, nonpolitical bases so that majorities come to defend minorities of their own kind who differ from them politically." See Parsons' essay "Voting and the Equilibrium of the American Political System," in the volume edited by E. Burdick and A. Brodbeck, *American Voting Behavior* (Glencoe: The Free Press, forthcoming).

Thus, we see again how the factors involved in modernization or economic development are linked closely to those involved in the historic institutionalization of the values of legitimacy and tolerance. But it should always be noted that correlations are only statements concerning relative degrees of congruence, and that another condition for political action is that the correlation never be so clear-cut that men cannot feel that they can change the direction of affairs by their actions. And this fact of low correlation means also that it is important for analytic purposes to keep variables distinct even if they intercorrelate. For example, the analysis of cleavage presented here suggests specific propositions concerning the ways in which different electoral and constitutional arrangements may affect the chances for democracy. These generalizations are presented in the following section.

IV. SYSTEMS OF GOVERNMENT AND DEMOCRACY

From the hypothesis that cross-cutting bases of cleavage are better for the vitality of democracy, it follows that two-party systems are better than multi-party systems, that electoral systems involving the election of officials on a territorial basis are preferable to systems of proportional representation, and that federalism is superior to a unitary state. In evaluating these propositions, it is important to note again that they are made with the assumption of all other factors being held constant. Clearly, stable democracies are compatible with multi-party systems, with proportional representation, and with a unitary state. And in fact, I would argue that such variations in systems of government, while significant, are much less important than those derived from basic differences in social structure of the sort discussed in the previous sections.

The argument for the two-party system rests on the assumptions that in a complex society, such parties must necessarily be broad coalitions; that they cannot seek to serve only the interests of one major group; that they cannot be parties of integration; and that in building electoral coalitions, they necessarily antagonize support among those most committed to them, and conversely must seek to win support among groups which are preponderantly allied to the opposition party. Thus, the British Conservative or American Republican parties must not so act as to antagonize basically the manual workers, since a large part of the vote must come from them. The Democratic and Labor parties are faced with a similar problem *vis-à-vis* the middle strata. Parties which are never oriented toward gaining a majority seek to maximize their electoral support from a limited base. Thus a peasant-oriented party will accentuate peasant group interest consciousness, and a party appealing primarily to small businessmen will do the same for its group. Elections, instead of being occasions on which parties seek to find the broadest possible base of support, and so to bring divergent groups to see their common interests, become events in which parties stress the cleavages separating their principal supporters from other groupings.

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[48] Colin Clark, *The Conditions of Economic Progress* (New York, 1940).

The proposition that proportional representation weakens rather than strengthens democracy rests on the analysis of the differences between multi-party and majority party situations. If it is true, as is suggested above, that "multi-partyness" serves to sharpen differences and reduce consensus, then any electoral system which increases the chance for more rather than fewer parties serves democracy badly.

Further, as Georg Simmel pointed out, the system of electing members of parliament to represent territorial constituencies, as contrasted with systems which encourage direct group representation (such as proportional representation), is preferable, since territorial representation helps to stabilize the political systems by forcing interest groups to secure their ends only within an electoral framework that involves some concern with many interests and the need for compromise.[49]

Federalism serves to strengthen democracy by increasing the opportunity for multiple sources of cleavage. It adds regional interests and values to the others such as class, religion and ethnicity which cross-cut the social structure.

A major exception to this generalization occurs when federalism divides the country according to lines of basic cleavage, *e.g.*, between different ethnic, religious, or linguistic areas. In such cases, as in India or in Canada, federalism may then serve to accentuate and reinforce cleavages. Cleavage is desirable within linguistic or religious groups, not between them. But where such divisions do not exist, then federalism seems to serve democracy well. Besides creating a further source of cross-cutting cleavage, it also serves various functions which Tocqueville noted it shared with strong voluntary associations. Among these, it is the source of resistance to centralization of power and a source of training of new political leaders; and it gives the "out" party a stake in the system as a whole, since national "out" parties usually continue to control some units of the system.

Let me repeat that I do not suggest that these aspects of the political structure as such are key conditions for democratic systems. If the underlying social conditions are such as to facilitate democracy, as seems true for Sweden, then the combination of multi-partyness, proportional representation, and a unitary state, do not seriously weaken it. At most they serve to permit irresponsible minorities to gain a foothold in parliament. On the other hand, where a low level of effectiveness and of legitimacy has operated to weaken the foundations of democracy as occurred in Weimar Germany, or in France, then constitutional factors encouraging multi-partyness serve to reduce the chances that the system will survive.

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[49] Georg Simmel, *op. cit.*, pp. 191–194. Talcott Parsons has recently made a similar point, indicating that one of the mechanisms for preventing a "progressively deepening rift in the electorate" is the "involvement of voting with the ramified solidarity structure of the society in such a way, that, though there is a correlation, there is no *exact* correspondence between political polarization and other bases of differentiation. Parsons, *op. cit.*

V. PROBLEMS OF CONTEMPORARY DEMOCRACY

The characteristic pattern of the stable western democracies in the mid-20th century is that of a "post-politics" phase—there is relatively little difference between the democratic left and right, the socialists are moderates, and the conservatives accept the welfare state. In large measure this reflects the fact that in these countries the workers have won their fight for citizenship and for political access, *i.e.*, the right to take part in all decisions of the body politic on an equal level with others.[50]

The struggle for citizenship had two aspects, political (access to power through the suffrage) and economic (institutionalization of trade union rights to share in the decisions affecting work rewards and conditions). The representatives of the lower strata are now part of the governing classes, members of the club. Political controversy has declined in the wealthier stable democracies because the basic political issue of the industrial revolution, the incorporation of the workers into the legitimate body politic, has been settled. The only key domestic issue today is collective bargaining over differences in the division of the total product within the framework of a Keynesian welfare state; and such issues do not require or precipitate extremism on either side.

In most of Latin and Eastern Europe, the struggle for working-class integration into the body politic was not settled before the Communists appeared on the scene to take over leadership of the workers. This fact drastically changed the political game, since inherently the Communists could not be absorbed within the system in the way that the Socialists have been. Communist workers, their parties and trade unions, cannot possibly be accorded the right of access by a democratic society. The Communists' self-image and more particularly their ties to the Soviet Union lead them to accept a self-confirming hypothesis. Their self-definition prevents them from being allowed access and this in turn reinforces the sense of alienation from the system (of not being accepted by the other strata) which workers in nations with large Communist parties have. And the more conservative strata are reinforced in their belief that giving increased rights to the workers or their representatives threatens all that is good in life. Thus, the presence of Communists precludes an easy prediction that economic development will stabilize democracy in these European countries.

In the newly independent nations of Asia, the situation is somewhat different.

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[50] T. H. Marshall has analyzed the gradual process of incorporation of the working class into the body politic in the 19th century, and has seen that process as the achievement of a "basic human equality, associated with full community membership, which is not inconsistent with a superstructure of economic inequality." See his brief but brilliant book, *Citizenship and Social Class* (Cambridge University Press, 1950), pp. 77. Even though universal citizenship opens the way for the challenging of remaining social inequalities, it also provides a basis for believing that the process of social change toward equality will remain within the boundaries of allowable conflict in a democratic system.

In Europe at the beginning of modern politics, the workers were faced with the problem of winning citizenship, the right to take part in the political game, from the dominant aristocratic and business strata who controlled politics. In Asia the long-term presence of colonial rulers has identified conservatism as an ideology and the more well-to-do classes with subservience to colonialism; while leftist ideologies, usually of a Marxist variety, have been dominant, being identified with nationalism. The trade unions and the workers' parties of Asia have been part of the political process from the beginning of the democratic system. Conceivably such a situation could mean a stable democracy, except for the fact that these lower-strata rights pre-date the development of a stable economy with a large middle class and an industrial society.

The whole system stands on its head. The left in the European stable democracies grew gradually in a fight for more democracy, and gave expression to the discontents involved in early industrialization, while the right retained the support of traditionalist elements in the society, until eventually the system came into an easy balance between a modified left and right. In Asia, the left is in power during the period of population explosion and early industrialization, and must accept responsibility for all the consequent miseries. As in the poorer areas of Europe, the Communists exist to capitalize on all these discontents in completely irresponsible fashion, and currently are a major party, usually the second largest in most Asian states.

Given the existence of poverty-stricken masses, low levels of education, an elongated pyramid class structure, and the "premature" triumph of the democratic left, the prognosis for the perpetuation of political democracy in Asia and Africa is bleak. The nations which have the best prospects, Israel, Japan, Lebanon, the Philippines and Turkey, tend to resemble Europe in one or more major factors, high educational level (all except Turkey), substantial and growing middle class, and the retention of political legitimacy by non-leftist groups. The other emerging national states in Asia and Africa are committed more deeply to a certain tempo and pattern of economic development and to national independence, under whatever political form, than they are to the pattern of party politics and free elections which exemplify our model of democracy. It seems likely that in countries which avoid Communist or military dictatorship political developments will follow the pattern developing in countries such as Ghana, Tunisia or Mexico, where an educated minority uses a mass movement expressing leftist slogans to exercise effective control, and holds elections as a gesture toward ultimate democratic objectives, and as a means of estimating public opinion, not as effective instruments for legitimate turnover in office of governing parties.[51] Given the pressure for rapid industrialization and for the immediate solution of chronic problems of poverty and famine through political agencies, it is unlikely that many of the new governments of Asia and Africa will be characterized by an open party system representing basically different class positions and values.[52]

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[51] See David Apter, *op. cit.*, for a discussion of the evolving political patterns of Ghana. For an interesting brief analysis of the Mexican "one-party" system see L. V. Padgett, "Mexico's One-Party System, a Re-evaluation," this Review, Vol. 51 (1957), pp. 995–1008.

Latin America, underdeveloped economically like Asia, is, however, politically more like Europe in the early 19th century than like Asia today. Most Latin American countries became independent states before the rise of industrialism and Marxist ideologies, and contain strongholds of traditional conservatism. The countryside is often apolitical or traditional, and the leftist movements secure support primarily from the industrial proletariat. Latin American communists, for example, have chosen the European Marxist path of organizing urban workers, rather than the "Yenan way" of Mao, seeking a peasant base.[53] If Latin America is allowed to develop on its own, and is able to increase its productivity and middle classes, there is a good chance that many Latin American countries will follow in the European direction. Recent developments, including the overthrowal of a number of dictatorships, in large measure reflect the effects of an increased middle class, growing wealth, and increased education. There is, however, also the possibility that these countries may yet follow in the French and Italian direction rather than that of northern Europe, that the communists will seize the leadership of the workers, and that the middle class will be alienated from democracy.

The analysis of the social requisites for democracy contained in this paper has sought to identify some, though obviously far from all, of the structural conditions which are linked to this political system. It has been possible in a very limited fashion to attempt some tests of the hypotheses suggested. These preliminary efforts to apply the method of science to comparative political systems can still be considered only as illustrative since we can say so little about actual variations in national social structures. Considerably more research must be done specifying the boundaries of various societies along many dimensions before reliable comparative analysis of the sort attempted here can be carried out. Although the task obviously presents tremendous difficulties, it is only through such methods that we can move beyond the conventional semi-literary methods of giving illustrative examples to support plausible interpretations.

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[52] As this paper was being edited for publication, political crises in several poor and illiterate countries occurred, which underline again the instability of democratic government in underdeveloped areas. The government of Pakistan was overthrown peacefully on October 7, 1958, and the new self-appointed president announced that "Western-type democracy cannot function here under present conditions. We have only 16 per cent literacy. In America you have 98 per cent." (*Associated Press* release, October 9, 1958). The new government proceeded to abolish parliament and all political parties. Similar crises have occurred, almost simultaneously, in Tunisia, Ghana, and even in Burma, which since World War II has been considered one of the more stable governments in Southeast Asia, under Premier U Nu. Guinea has begun life as an independent state with a one-party system.

It is possible that the open emergence of semi-dictatorships without much democratic "front" may reflect the weakening of democratic symbols in these areas under the impact of Soviet ideology, which equates "democracy" with rapid, efficient accomplishment of the "will of the people" by an educated elite, not with particular political forms and methods.

[53] Robert J. Alexander, *Communism in Latin America* (New Brunswick: Rutgers University Press, 1957).

The data available are, however, of a sufficiently consistent character to support strongly the conclusion that a more systematic and up-to-date version of Aristotle's hypothesis concerning the relationship of political forms to social structure is valid. Unfortunately, as has been indicated above, this conclusion does not justify the optimistic liberal's hope that an increase in wealth, in the size of the middle class, in education, and other related factors will necessarily mean the spread of democracy or the stabilizing of democracy. As Max Weber, in discussing the chances for democracy in Russia in the early 20th century pointed out: "The spread of Western cultural and capitalist economy did not, *ipso facto*, guarantee that Russia would also acquire the liberties which had accompanied their emergence in European history. . . . European liberty had been born in unique, perhaps unrepeatable, circumstances at a time when the intellectual and material conditions for it were exceptionally propitious."[54]

These suggestions that the peculiar concatenation of factors which gave rise to western democracy in the nineteenth century may be unique are not meant to be unduly pessimistic. Political democracy exists and has existed in a variety of circumstances, even if it is most commonly sustained by a limited cluster of conditions. To understand more fully the various conditions under which it has existed may make possible the development of democracy elsewhere. Democracy is not achieved by acts of will alone; but men's wills, through action, can shape institutions and events in directions that reduce or increase the chance for the development and survival of democracy. To aid men's actions in furthering democracy was in some measure Tocqueville's purpose in studying the operation of American democracy, and it remains perhaps the most important substantive intellectual task which students of politics can still set before themselves.

METHODOLOGICAL APPENDIX

The approach of this paper (as has already been indicated) is implicitly different from others which have attempted to handle social phenomena on a total societal level, and it may be useful to make explicit some of the methodological postulates underlying this presentation.

Complex characteristics of a social system, such as democracy, the degree of bureaucratization, the type of stratification system, have usually been handled either by a reductionist approach or by an "ideal-type" approach. The former approach dismisses the possibility of considering those characteristics as system-attributes as such, and maintains that qualities of individual actions are the sum and substance of sociological categories. For this school of thought, the extent of democratic attitudes, or of bureaucratic behavior, or the numbers and types of prestige or power rankings, constitute the essence of the meaning of the attributes of democracy, bureaucracy, or class.

The "ideal-type" approach starts from a similar assumption, but reaches an opposite conclusion. The similar assumption is that societies are a complex order of phenomena, exhibiting such a degree of internal contradiction, that generalizations about them as a whole must necessarily constitute a constructed representation of selected elements, stemming from the particular concerns and perspectives of the scientist. The opposite conclusion is that abstractions of the order of "democracy" or "bureaucracy" have no necessary connection with states or qualities of complex social systems which actually exist, but comprise collections of attributes which are logically interrelated, but characteristic in their entirety of no existing society.[55] An example of this type of abstraction is Weber's concept of "bureaucracy," comprising a set of offices, which are not "owned" by the office-holder, continuously maintained files of records, functionally specified duties, etc. Another is the common definition of democracy in political science, which postulates individual political decisions based on rational knowledge of one's own ends and of the factual political situation.

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[54] Richard Pipes, "Max Weber and Russia," *World Politics*, Vol. 7 (1955), p. 383.

Criticism of categories, or ideal-types, such as this, solely on the basis that they do not correspond to reality is irrelevant, because they are not intended to describe reality, but to provide a basis for comparing different aspects of reality with their deviations from the consistently logical case. Often this approach is quite fruitful, and there is no intention here of substituting another methodological approach in its place, but merely of presenting another possible way of conceptualizing complex characteristics of social systems, stemming from the multi-variate analysis pioneered by Paul Lazarsfeld and his colleagues on a quite different level of analysis.[56]

The point at which this approach differs is on the issue of whether generalized theoretical categories can be considered to have a valid relationship to characteristics of total social systems. The implication of the statistical data presented in this paper concerning democracy, and the relations between democracy, economic development, and political legitimacy, is that there are aspects of total social-systems which exist, can be stated in theoretical terms, can be compared with similar aspects of other systems, and, at the same time, are derivable from empirical data which can be checked (or questioned) by other researchers. This does not mean at all that situations contradicting the general relationship may not exist, or that at lower levels of social organization, quite different characteristics may not be evident. For example, a country like the United States may be characterized as "democratic" on the national level, even though most secondary organizations within the country may not be democratic. On another level, a church may be characterized as a "non-bureaucratic" organization, when compared with a corporation, even though important segments of the church organization may be as bureaucratized as the most bureaucratic parts of the corporation. On yet another level, it may be quite legitimate, for purposes of psychological evaluation of the total personality, to consider a certain individual as "schizophrenic," even though under certain conditions, he may not act schizophrenically. The point is that when comparisons are being made on a certain level of generalization, referring to the functioning of a total system (whether on a personality, group, organization, or society level), generalizations applicable to a total society have the same kind and degree of validity that those applicable to other systems have, and are subject to the same empirical tests. The lack of many systematic and comparative studies of several societies has obscured this point.

This approach also stresses the view that complex characteristics of a total system have multivariate causation, and also multivariate consequences, insofar as the characteristic has some degree of autonomy within the system. Bureaucracy and urbanization, as well as democracy, have many causes and consequences, in this sense.[57]

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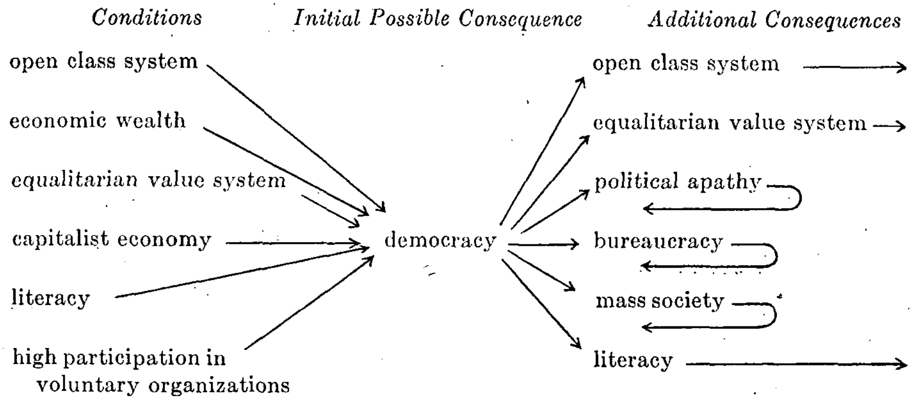
[55] Max Weber's essay on " 'Objectivity' in Social Science and Social Policy," in his *Methodology of the Social Sciences*, *op. cit.*, pp. 72–93.

[56] The methodological presuppositions of this approach on the level of the multi-variate correlations and interactions of individual behavior with various social characteristics have been presented in Paul F. Lazarsfeld, "Interpretation of Statistical Relations as a Research Operation," in P. F. Lazarsfeld and M. Rosenberg, eds., *The Language of Social Research* (Glencoe: The Free Press, 1955), pp. 115–125; and in H. Hyman, *Survey Design and Analysis* (Glencoe: The Free Press, 1955), chapters 6 and 7. See also the methodological appendices to Lipset, *et al.*, *Union Democracy, op. cit.*, pp. 419–432; and S. M. Lipset, "The Political Process in Trade Unions: A Theoretical Statement," in M. Berger, *et al.*, eds., *Freedom and Control in Modern Society* (New York: Van Nostrand, 1954), pp. 122–124.

On this view, it would be difficult to identify any *one* factor crucially associated with, or "causing" any complex social characteristic. Rather, all such characteristics (and this is a methodological assumption to guide research, and not a substantive point) are considered to have multivariate causation, and multivariate consequences. The point may be clarified by a diagram of some of the possible connections between democracy, the initial conditions associated with its emergence, and the consequences of an existent democratic system.


Conditions
Initial Possible Consequence
Additional Consequences
open class system
economic wealth
equalitarian value system
capitalist economy
literacy
high participation in voluntary organizations
democracy
open class system
equalitarian value system
political apathy
bureaucracy
mass society
literacy

The appearance of a factor on both sides of "democracy" implies that it is both an initial condition of democracy, and that democracy, once established, sustains that characteristic of the society, an open class system, for example. On the other hand, some of the initial consequences of democracy, such as bureaucracy, may have the effect of *undermining* democracy, in turn, as the reversing arrows indicate. Appearance of a factor to the right of democracy does not mean that democracy "causes" its appearance, but merely that democracy is an initial condition which favors its development. Similarly, the hypothesis that bureaucracy is one of the consequences of democracy does not imply that democracy is the sole cause, but rather that a democratic system has the effect of encouraging the development of a certain type of bureaucracy, under other additional conditions, which have to be stated if bureaucracy is the focus of the research problem. This diagram is not intended as a complete model of the general social conditions associated with the emergence of democracy, but as a way of clarifying the methodological point concerning the multivariate character of relationships in a total social system.

Thus, in a multivariate system, the focus may be upon any element, and its conditions and consequences may be stated without the implication that we have arrived at a complete theory of the necessary and sufficient conditions of its emergence. This paper does not attempt a *new* theory of democracy, but only the formalizing, and the empirical testing, of certain sets of relationships implied by traditional theories, on the level of total social systems.

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[57] This approach differs from Weber's attempt to trace the origins of modern capitalism. Weber was concerned to establish that *one* antecedent factor, a certain religious ethic, was crucially significant in the syndrome of economic, political, and cultural conditions leading up to the development of Western capitalism. My concern is not to establish the causal necessity of any one factor, but rather the syndrome of conditions which most frequently distinguish nations which may be empirically categorized as "more democratic" or "less democratic," without implying any absolute qualities to the definition.

POLITICAL GROUPS IN LATIN AMERICA*

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I feel it necessary to begin with an attempt to define the term "political group" as used in this paper: it is a system of patterned or regular interaction among a number of individuals. The interaction is sufficiently patterned to permit the system to be viewed as a unit, and the action of the unit is directed toward some phase of the operation of government. Every political group has an interest. This is simply the central and continuing type of activity that gives the group its property as a system or a unit. Interest, then, is consistent with the observed pattern of interaction, and not contrary to it. "The interest and the group are the same phenomenon observed from slightly different positions, and an 'interest group' is a tautological expression. The interest is not a thing that exists apart from the activity or that controls activity."[1]

Let me add a few points regarding the relationship between the political group and its member individuals. If the group be regarded as the pattern of interaction among its members, then it follows that the group has an existence apart from that of the individuals associated with it. So a political group may have a history or a career of its own, distinguishable from those of the individuals participating in the interaction. Further, at any given time a single individual may take part in more groups than one; a person with such "overlapping memberships" may pursue different and, in some cases, contradictory interests.[2] Finally, the size of a group is not material here. No issue is raised by queries as to how large or small a political group may be. It is defined by the pattern of interaction, and not by the number of individuals contributing to it.

I

Two propositions about political groups should be obvious. First, the number of such groups functioning in a given political system is likely to be quite large. Second, a wide variety of types of groups exists, suggesting the feasibility of some system of classification. Several bases for classification are, of course, possible; let me advance one scheme here. Political groups may be regarded as (1) institutional, (2) associational, and (3) non-associational. Each of these categories, as used in the context of research in Latin American politics, calls for some discussion.

(1) *Institutional* groups are formally constituted agencies, or segments of

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[1] Charles B. Hagan, "The Group in a Political Science," in Roland A. Young (ed.), *Approaches to the Study of Politics* (Evanston: Northwestern University Press, 1958), pp. 38–51, particularly pp. 44–46.

[2] See David B. Truman, *The Governmental Process* (New York, 1951), *passim*, especially ch. 2.

them, with established roles in a political system, roles usually recognized and generally accepted. It is useful to distinguish between two broad types of such institutional groups. One is the species which is formally and ostensibly assigned authoritative political functions—such as rule-making, rule-application, and rule-adjudication—and which performs them. In other words, formally established government is itself composed of a number of groups whose role it is to carry out political functions, and so some political groups can be studied in the examination of formal agencies of government. If to nothing else, American political scientists have been conventionally trained to direct their attention to such structures. Let me therefore pass by this category, pausing only to remark that, while we are still with the old familiar subject-matter of conventional political science—the formal structures of government—the group emphasis does imply a difference in the *manner* in which these agencies are studied. I plan to return to this proposition at a later point.

The second type of institutional political group needs to be examined more closely. This is the group which, while associated with a formal institution, performs a political function differing markedly from the established or ostensible role of the institution. The study of political groups of this type in Latin America is of high importance, and deserves priority among political inquiries in the area. Let me mention a few such institutional groups of this type in Latin America—not an exhaustive list, but rather a relatively small sample illustrative of one type of political organization to which the serious attention of research scholars is urgently invited.

The Roman Catholic Church is one of the major political groups of this sort in Latin America. Historically, Church and State were united in the Spanish tradition. This was true throughout the colonial period; indeed, the movement for separation of Church and State is, in a sense, a relatively recent development in the area. In most of the countries, the Church pursues political objectives, and in some of them its functions resemble those of a political party. Some Latin American political parties are essentially Church parties, as for example the Conservative parties of Colombia and Ecuador. Consider this statement by the Conservative Party of Ecuador of its *political* program: "Man is essentially a religious being and religion, consequently, is a natural phenomenon. . . . The end of man is God, whom he should serve and adore in order to enjoy after death the beatified possession of divinity. . . . The purpose of the state is to facilitate religious action so that its subjects will not lack the necessities of the spirit and will be able to obtain in the next life the happiness which can never be achieved in this."[3] The power of the Church as a political group varies, of course, from country to country. It is perhaps strongest in Ecuador and weakest in Mexico, but there is no Latin American state in which the Church is not to be counted as a major political group.[4] It has, of course, been studied from several points of view, but published assessments of it in this capacity are rare.

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[3] Jacinto Jijón y Caamaño, *Política Conservadora* (Riobamba: La Buena Prensa del Chimborazo, 1934), Vol. 1, pp. 26, 32.

[4] See J. Lloyd Mecham, *Church and State in Latin America* (Chapel Hill: University of North Carolina Press, 1934).

Similarly, there are very few studies of the armed forces, particularly the armies, of Latin America as political groups. This is a curious indictment of political scientists interested in the area, since militarism has long been recognized as a fundamental characteristic of Latin American politics. "The last step in a military career is the presidency of the republic"[5] is a well-known and frequently practiced precept in the area. Rather than the defense of the community, the basic functions of the Latin American military lie in domestic politics. Everywhere high-ranking army officers are important politicians; everywhere the military influence provides a species of backdrop for politics. Generally this is more true of the armies than of the other armed services, although in a few of the countries—notably Argentina[6] and Paraguay—the navies also operate as significant political groups. Political studies of the Latin American armed services are sorely needed. Topics especially requiring investigation include the process of political clique-formation among military and naval officers, and the relationship between militarism and the class system. Certain military ranks—*e.g.*, major and lieutenant-colonel—appear to be of peculiarly critical political significance.

Few studies, again, have been made of bureaucracy in Latin America, and consequently little can be said of the roles of public workers as political groups. In some of the countries government work, like other types of occupations, is organized on the basis of part-time jobs. Moreover, few of the republics have developed effective merit systems of civil service, and a spoils system is generally characteristic of the area. These considerations suggest patterns of action differing from those to be found in Western Europe or the United States. Latin American government workers no doubt may be regarded as political groups. However, the current state of research on this problem does not permit evaluation at this time of their full significance.

(2) Let me now turn to the *associational*, or second major category, of political groups. These are consciously organized associations which lie outside the formal structure of government and which nevertheless include the performance of political functions among their stated objectives. Generally speaking, associational groups carry out less authoritative functions than the institutional organizations. That is to say, this second category tends to concentrate its activity on such matters as political recruitment, interest articulation, interest aggregation, and—in some cases—political communication, rather than on more authoritative political functions such as rule-making, rule-application, and rule-adjudication.

Two chief types of associational groups may be distinguished. The differences are roughly similar to those, familiar to students of politics in the United

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[5] Quoted in George I. Blanksten, *Ecuador: Constitutions and Caudillos* (Berkeley, 1951), p. 36.

[6] See Blanksten, *Perón's Argentina* (Chicago, 1953), pp. 314–316; and Arthur P. Whitaker, *Argentine Upheaval* (New York, 1956), *passim.*

States, between political parties and pressure groups. However, the distinction sought here is not quite the same as that. In the United States and in many of the countries of Western Europe, "political parties tend to be free of ideological rigidity, and are aggregative, that is, seek to form the largest possible interest group coalitions by offering acceptable choices of political personnel and public policy."[7] On the other hand, pressure groups in those same so-called "Western" systems "articulate political demands in the society, seek support for these demands among other groups by advocacy and bargaining, and attempt to transform these demands into authoritative public policy by influencing the choice of political personnel, and the various processes of public policy making and enforcement."[8] In many Latin American countries, particularly in those with the more underdeveloped economies—and, no doubt, in most of the so-called "non-Western" political systems—the dividing line does not fall in quite the same place. Political parties tend to be more non-aggregative than aggregative, and some of the functions of the other associational groups include activities usually restricted to political parties in the United States and in some of the Western European systems.

Despite the fact that political parties have long been included among the accepted concerns of political scientists, it remains a curious circumstance that very little research has been done on these organizations in Latin America. Indeed, only one political party in the area has been the object of a full-blown monographic study.[9] "The field is one which needs a vast amount of spade work of a primary sort and on top of that additional synthesis in order to put the raw materials in proper arrangement and perspective," Russell H. Fitzgibbon has said. "I commend the field of Latin-American political parties to a whole generation of prospective graduate students in political science."[10]

Not only the party systems, but also the parties themselves, are of various types in Latin America. Let me once again, therefore, undertake the task of classification. Although the existing literature of political science contains a number of fairly elaborate attempts at categorization, nothing more complicated is necessary for the present purpose than a simple dichotomy separating one-party systems from competitive party systems. Both types are to be found in Latin America.

The one-party system, of course, is the situation in which a single political party holds an effective monopoly of public power and controls access to government office. In some one-party systems, this may be provided for by law, other political parties being considered illegal or subversive; in another type of one-party system, other parties may exist legally but—for reasons largely unrelated to legal questions or government coercion—find themselves unable to challenge effectively the dominant party's hold on the system.

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[7] Gabriel A. Almond, "A Comparative Study of Interest Groups and the Political Process" (unpublished paper, Committee on Comparative Politics, Social Science Research Council, 1957), p. 20. See also Sigmund Neumann, *Modern Political Parties* (Chicago, 1956).

[8] Almond, *op. cit.*, pp. 19–20.

[9] Harry Kantor, *The Ideology and Program of the Peruvian Aprista Movement* (Berkeley, 1953).

[10] Russell H. Fitzgibbon, "The Party Potpourri in Latin America," *The Western Political Quarterly*, Vol. 10 (March, 1957), pp. 21–22.

Thus conceived, two varieties of dominant parties hold power in the one-party systems of Latin America. One may be dubbed the "dictatorial" party. Where it exists, an official attempt is made to obscure the distinction between the party in power and the government of the country, and so to render opposition to the party virtually synonymous with treason against the state. By definition, then, the party in power being the only legal party, any others are not merely in opposition but in rebellion, open or covert. The best current Latin American illustration of this type of party is to be found in the Dominican Republic. Such a system has also operated in Venezuela. Paraguay's arrangement is a borderline case—other parties than the *Colorado* are theoretically legal, but the price of participating in them is often imprisonment or exile.

The other type of group holding power in a one-party system may be designated as the "dominant non-dictatorial" party. In this case, one party holds a monopoly of political power in the sense that it is victorious in virtually all elections, but other parties are legal and do exist. This is somewhat similar to the stereotype—but I beg you not to hold me responsible for its validity—of the "Solid South" or of northern rural areas in the United States. The leading Latin American case is in Mexico, where the Party of Revolutionary Institutions (PRI[11]) is without a serious rival. Other Mexican parties exist legally, but they exercise virtually no authority in government.[12] Uruguay's system may also be included here, if we agree with Fitzgibbon that it cannot be regarded as a two-party affair.[13] Further, it has been noted that the situation in Paraguay's case is borderline—if one Paraguayan foot is in the "dictatorial" party camp, the other is with the "dominant non-dictatorial" party.

Competitive party systems exist where two or more parties, none of them a dominant or "official" organization, contend among themselves. In general, there are two classes of competitive systems, multi-party and two-party arrangements.

A multi-party system contains three or more major political parties, normally making it impossible for any one of them to command a majority of the seats in a representative assembly. Politics in these systems frequently operates through coalitions or blocs involving two or more parties, and these understandings are designed to produce working majorities. Latin America's best illustration of a multi-party system is to be found in Chile, where there are at least six major political parties, none of which controls a legislative majority.[14]

[11] After the initial letters of *Partido Revolucionario Institucional.*

[12] See L. Vincent Padgett, "Mexico's One-Party System: A Re-evaluation," this REVIEW, Vol. 41 (December, 1957), p. 995; Frank R. Brandenberg, "Mexico: An Experiment in One-Party Democracy" (Ph.D. thesis, University of Pennsylvania, 1955); and Robert E. Scott, "Mexico: Government in Transition" (Urbana, unpublished manuscript), particularly pp. 161–214.

[13] See below, note 15.

[14] See John Reese Stevenson, *The Chilean Popular Front* (Philadelphia: University of Pennsylvania Press, 1942).

Multi-party arrangements also exist in Argentina, Bolivia, Brazil, Costa Rica, Cuba, Guatemala, Panama, and Peru.

Two-party systems contain two major political parties sufficiently matched in strength to permit their alternation in power. "Third" or "minor" parties are legal in these systems, but are rarely serious rivals at the polls of the two major parties. Thus conceived, two-party systems are rare in Latin America; indeed, they are rare outside the English-speaking world. The best Latin American illustration is to be found in Colombia, where the Conservative and Liberal Parties, roughly evenly matched, have historically alternated in power. Uruguay also has two major political parties—the *Colorados* and the *Blancos*—but there is some question as to whether this is a clear case of a two-party system. Fitzgibbon, for example, believes that, since the *Colorados* have been victorious in almost all national elections, it cannot be said that Uruguay's is a true two-party arrangement.[15]

Most of the major parties in the competitive systems of Latin America are what might be called traditional political parties. In general, they have two major characteristics. First, the issues which concern them have historically troubled Latin Americans as long-range political problems of their respective countries. Primarily, these issues have been the questions of land tenure and the temporal role of the Roman Catholic Church. Second, the traditional parties draw their membership, in terms of the class systems of Latin America, primarily from the upper classes; the other classes—often involving majorities of national populations—virtually are excluded from direct participation in these parties. The traditional parties may be roughly branded as conservative or liberal. Conservative parties generally defend the interests of the large landowners and advocate an expanded temporal role for the Church, sometimes including union of Church and State. Conservative parties have been in power in most of the countries of Latin America during most of the years of their respective national histories. Representative conservative parties include the Conservative Party of Argentina, the Conservatives of Colombia, the Conservative Party of Ecuador, the *Blanco* Party of Uruguay, and COPEI of Venezuela. Liberal parties, on the other hand, have generally advocated some kind of land reform, separation of Church and State, and a general reduction in the temporal influence of the Church. Representative liberal parties are the Radical Party of Argentina, the Radicals of Chile, the Liberals of Colombia, the Radical-Liberal Party of Ecuador, and the *Colorados* of Uruguay.

The parties which participate in the competitive systems of Latin America may be classed as pragmatic, ideological, and particularistic. Pragmatic parties are those which make no major ideological or philosophical demands upon their membership. Such parties are far more interested in commanding the votes than the minds of their followers, who may enter or leave the pragmatic groups without benefit of the trauma of ideological, philosophical, or religious conversion on such occasions.

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[15] Fitzgibbon, *op. cit.*, p. 18; see also his *Uruguay: Portrait of a Democracy* (New Brunswick: Rutgers University Press, 1954), especially pp. 137–152.

Pragmatic parties may be broadly or narrowly based, depending on how large a sector of the politically articulate population the group appeals to. Perhaps Latin America's best illustrations of the broad-based pragmatic party are the Argentine Radical Party (UCR[16]) and the Chilean Radical Party. The UCR has endeavored with some success to appeal for the electoral support of organized labor, commercial and industrial interests, associations of university students, and professional and intellectual organizations. Indeed, under the leadership of Arturo Frondizi in the presidential election of 1958, the UCR, which had bitterly fought the Perón dictatorship (1946–1955), successfully campaigned for the votes of those who had formerly supported Perón! In Chile, the Radical Party has joined together university students, labor organizations, teachers' associations, and the smaller commercial and industrial interests.

Narrow-based pragmatic parties are more numerous in the area. In general, these are of two types—personalistic and *ad hoc* parties. Personalistic parties are an outgrowth of *personalismo,* a long-standing ingredient of Latin American politics. *Personalismo* may be defined as the tendency to follow or oppose a political leader on personality rather than ideological grounds, through personal, individual, and family motivations rather than because of an impersonal political idea or program. This historic attribute of the politics of the area has been noted by many students of Latin America. Pierson and Gil, for example, point to "the high value placed on the individual and personal leadership," promoting "a disposition to vote for the man rather than the party or the platform."[17] Another student has said: "From earliest days the Latin Americans . . . have always been more interested in their public men than in their public policies. They have tended to follow colorful leaders, to the subordination of issues. . . . A picturesque demagogue is virtually assured a large following."[18]

Latin Americans like to say—and this exaggerates the situation—that "Every 'ism' is a somebody-ism." Personalist parties are "Somebody—ist" groups organized in support of the political ambitions of strong personal leaders. Paraguay has its *Franquista* Party, composed of the followers of General Rafael Franco;[19] Brazil had a *Querimista*[20] party; Ecuador a *Velasquista* organization, made up of the followers of Dr. José María Velasco Ibarra; and Uruguay a *Batllista* "faction," founded by the nineteenth-century statesman, José Batlle y Ordóñez. There is some evidence that personalist parties are currently declining in number and influence in Latin America.

Finally, there are *ad hoc* parties. These are fluid organizations created for the purpose of achieving short-range political objectives and disappearing when these ends have been accomplished or defeated. These parties are particularly important in the politics of Bolivia, Ecuador, and Paraguay. "In these times," a Bolivian wrote in 1942, "nothing is simpler than to found a political party. To form a political party only three people and one object are necessary: a president, a vice president, a secretary, and a rubber stamp. The party can get along even without the vice president and the secretary. . . . There have been cases in which the existence of only the rubber stamp has been sufficient."[21] Parties of this type are especially important in times of political instability and so-called revolution, times not infrequent in a number of the countries of Latin America.

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[16] After the initial letters of *Unión Cívica Radical* (Radical Civic Union).

[17] William W. Pierson and Federico G. Gil, *Governments of Latin America* (New York, 1957), p. 31.

[18] Austin F. Macdonald, *Latin American Politics and Government* (New York, 2d ed. 1954), p. 2.

[19] Not connected with Spain's Generalissimo Francisco Franco.

[20] Literally, "we wantist," a popular abbreviation of "We want Vargas."

Ideological parties are also to be counted among the actors in the competitive party systems of the area. Communist parties, for example, exist throughout the Americas. The most important Communist organizations are in Argentina; Bolivia, where the party has long been known as the Leftist Revolutionary Party (PIR[22]); Brazil; Chile; Cuba; Guatemala; and Mexico, where the group is called the Popular Party. Although the Mexican party system is not a competitive one, the Mexican Communists are nevertheless worth mentioning here. Despite indications that the party is small and weak from the standpoint of its influence upon domestic politics in Mexico, the Communist organization in that country does perform a noteworthy international function in serving as a point of liaison, and as an informational clearing-house, between European Communists and those of Central America and the Caribbean islands. Meetings of the Communist leaders of the smaller countries of Middle America are occasionally held in Mexico.[23]

Socialist parties also exist in virtually all of the countries of Latin America. The membership of these parties is generally dominated by middle-class intellectuals with a strong interest in Marxism. Despite their avowed interest in the problems of the working classes, the Socialists of Latin America have, in fact, developed little genuine influence with the masses. In country after country, the Socialists "have become increasingly doctrinaire, academic, and intellectualized."[24] Ray Josephs once remarked that "the Socialist weakness lies in addiction to theory and philosophy and what we might call their lack of practical, sound common sense."[25] It need hardly be added that Socialists have never been in power for any appreciable length of time in any country of Latin America.

A number of Church-oriented parties are to be found in the area, and these too may be regarded as largely ideological parties. The best current illustrations are the Conservative parties of Colombia and Ecuador. Heavily Catholic in doctrinal orientation, Church parties have participated in most of the competitive systems of Latin America during the past century. Not since the regime of Gabriel García Moreno in Ecuador (1859–1875) has a Church group been the dominant party in a one-party system. In that case, religious intolerance was revived, only practicing Catholics were permitted to be citizens of the country—then called the "Republic of the Sacred Heart"—and government was heavily authoritarian in character.[26]

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[21] Luis Terán Gómez, *Los Partidos Politicos y su Acción Democrática* (La Paz: Editorial La Paz, 1942), pp. 60–61.

[22] After the initial letters of *Partido Izquierdista Revolucionario.*

[23] See Robert J. Alexander, *Communism in Latin America* (New Brunswick: Rutgers University Press, 1957).

[24] Fitzgibbon, "The Party Potpourri in Latin America," *op. cit.*, p. 13.

[25] Ray Josephs, *Argentine Diary* (New York: Random House, 1944), p. xxxiii.

Nationalist groups also may be counted among the ideological parties of Latin America. The typical Latin American nationalist party is narrow-based, addressing a concerted appeal to a small sector of the society in which it operates. Indeed, it is not unusual to find a given country in the area with two or more small nationalist parties functioning in rivalry relationships with each other. While anti-clerical nationalists are not unheard of—one such group once effectively employed "We are Ecuadorans, not Romans!" as its slogan—the nationalist parties more frequently embrace the Church, demand religious intolerance, oppose secularization, and attempt to eradicate foreign influence in their countries. Often such parties are active centers of anti-Semitism. In recent times the most important nationalist parties of Latin America—all of them narrow-based rather than comprehensive—have operated in Argentina, Bolivia, Paraguay, and Venezuela.

The area also has its share of Fascist parties. For many of these, "Fascist-like" or "quasi-Fascist" would probably be better designations, since they generally combine selected elements of Fascist ideology with enough indigenous Latin American ingredients to render the organizations difficult to equate with European Fascist parties. During World War II, most of them pressed pro-Axis foreign policy objectives in Latin America. Representative parties of this type are the *Peronista* Party of Argentina, the Nationalist Revolutionary Movement (MNR[27]) of Bolivia, the Integralist Party of Brazil, the *Nacista* Party of Chile, and the National Sinarquist Union of Mexico.

Also occupying a significant place on the roster of the area's ideological parties are the agrarian-populistic group. In Latin America, these have come to be called *Aprista* parties. They have two distinguishing characteristics. First, they seek far-reaching social and economic change, usually including radical land reform and the integration of the lower classes into the political process. Indeed, there is a greater percentage of lower-class adherents in the membership of *Aprista* groups than in any other type of Latin American party. Second, *Aprismo* is indigenous to the area. Such international connections as the movement has—and they are not many—are entirely within Latin America. The chief prototype of this class of political party is the celebrated *Aprista* Party or APRA of Peru. Other *Aprista* parties include *Acción Democrática* of Venezuela, the *Auténtico* Party of Cuba, the National Liberation Party of Costa Rica, and, in a sense, Mexico's PRI.[28]

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[26] See Richard Pattee, *Gabriel García Moreno y el Ecuador de su Tiempo* (Mexico City: Editorial Jus, 1944), *passim.*

[27] After the initial letters of *Movimiento Nacionalista Revolucionario.*

[28] See Kantor, *ibid.*; and Robert J. Alexander, "The Latin-American *Aprista* Parties," *Political Quarterly*, Vol. 20 (1949), pp. 236–247.

Particularistic parties have on occasion appeared in the competitive systems of Latin America, although there is no clear illustration of the type operating in the area today. Such organizations, concerned in a separatist fashion with selected ethnic groups or regions and including some form of secession among statements of political objectives, have from time to time filled major roles in the Americas. Indeed, this is one of the reasons why what were once only eight Spanish colonies are now as many as eighteen independent states. In the historic past, particularist parties have been led by such personalities as General José Antonio Páez, who directed the secession of Venezuela from Gran Colombia; General Juan José Flores, who presided over the separation of Ecuador from the same entity; and Dr. Amador, prominent in the detachment of the isthmus of Panama from Colombia. Particularistic parties were also active in the reduction of the former Central American Confederation to its present five separate heirs. So far as the contemporary scene is concerned, although no major particularistic parties are functioning in the area, there are significant evidences of the presence of some of the ingredients of which such groups may be fashioned. In Brazil, for example, the two states of São Paulo and Minas Gerais, which had stubbornly opposed the regimes of President Getulio Vargas (1930–1945; 1951–1954), have fallen into a political collaboration against other sections of the country which approximates particularism. Again, in the countries where regionalism is a major political force—such as Peru, Ecuador, and Bolivia—there is a tendency for political parties to become regionally based. The record of the past and the current scene combine to suggest that it might not be unreasonable to expect the reappearance of such organizations in the area from time to time in the future.

I attempted earlier to distinguish between two chief types of associational political groups, offering parties as the first of them. I turn now to the second type, roughly resembling what are called pressure groups in the United States. In Latin America these organizations perform some of the functions usually restricted in the "North American" system to political parties. Without presenting an exhaustive list I shall mention a number of them to illustrate their functions in the political systems of Latin America.

Associations of landowners, in one form or another, exist in all countries of the area. In view of the significant role of the land in the economy of Latin America and the predominance of feudal-like systems of land tenure, these groups are of high importance. In Argentina, for example, fewer than two thousand families' landholdings constitute a combined area greater than England, Belgium and the Netherlands put together; and statistics produced by some of the American republics indicate that approximately three-fourths of their respective land surfaces are owned by about two percent of their respective populations. Landowning groups wield political as well as economic power. The best-known landowners' association in the area is the Argentine Jockey Club; similar organizations operate in most of the other states.

Foreign companies function as political groups in some of the countries. In northern Latin America—particularly in the Caribbean area—United States corporations are prominent among these groups. Excellent illustrations can be found in the United Fruit Company as it operates in a number of the states of Central America, and in the influence of a number of oil companies in Venezuelan politics. In southern South America—Argentina, Uruguay, Paraguay, and Chile—British firms function in a similar fashion.

Labor organizations, though still small, are of growing importance as Latin American groups. The role of these organizations is expanding as industrialization begins to take hold in the area. From the standpoint of their functions as political groups, the most important labor organizations in the area are Argentina's CGT,[29] Chile's CTCH,[30] Cuba's CTC,[31] and Mexico's CTM.[32] Organized labor in Latin America is, in general, quite politically articulate, and its support has long been sought by Socialist parties.

Student associations are vigorously active groups in all of the countries involved. Hear this account of student life in the area: "The . . . university, traditionally, is a miniature battleground of national politics. Students strike, riot, and stage political demonstrations on the slightest provocation."[33] Politics "becomes a passion that invades and confuses everything. I myself remember many postponed examinations; many study hours disturbed; countless meetings, discussions, strikes—a whole year lost in them—elections that ended with gunfire. . . . "[34] As political groups, student associations are far more significant in Latin America than in the United States.

Professional associations should also be counted among the active groups of the area. Lawyers' associations are perhaps the oldest of these. With the growing economic development of Latin America, associations of engineers, still small, are of rising importance. Business groups are also small in the area. However, these may be expected to grow in significance as industrialization and economic development continue.

Veterans' associations, important in the United States, are of little significance as Latin American political groups, except in Bolivia and Paraguay. In both countries, organizations of veterans of the Chaco War (1928–1935) have become major pressure groups. In Bolivia, such a group served as the nucleus for the MNR party. In the absence of systematic studies, however, any explanatory statement at this point can be little more than conjecture. My guess—and it is only that—is that in most of Latin America such influence as veterans' groups might have had has been more than engulfed by the groups representing the armed services. International wars producing veterans are, after all, rare in contemporary Latin America; on the other hand, militarism and the military are ever-present.

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[29] After the initial letters of *Confederación General del Trabajo* (General Confederation of Labor).

[30] *Confederación de Trabajadores Chilenos* (Confederation of Chilean Workers).

[31] *Confederación del Trabajo Cubano* (Confederation of Cuban Labor).

[32] *Confederación de Trabajadores Mexicanos* (Confederation of Mexican Workers).

[33] Ysabel F. Rennie, *The Argentine Republic* (New York: The Macmillan Company, 1945), p. 212.

[34] Luis Guillermo Piazza, "There'll Always Be a Córdoba," *Americas* (January, 1950), p. 27.

(3) Finally, some discussion of the *non-associational* category of political groups is in order. These are not formally or consciously organized. Indeed, they may be regarded more as latent or potential than as currently functioning political groups, for the non-associational variety is far less structured than the institutional and associational types. In Latin America, non-associational interests tend to coalesce around such symbols as class, status, ethnic groups, kinship and lineage, and regionalism.

The class sytems are fairly rigid in most of the countries of the area. Classes, of course, are not formally or consciously organized groups; yet significant political interests arise from them. With some variations from country to country in Latin America, the typical class system is composed of three levels. The highest class is usually referred to as the creoles or "whites"; the middle group is known as the *mestizos* or, in some countries, *cholos;* and, in the countries with large Indian populations, these have constituted the lowest class. Scholars who have examined these classes in Latin America have devoted more attention to the creoles, and to the Indians, than they have to the *mestizos* or *cholos*.

The highest class—creoles or "whites"—are the most politically articulate of the three, and in most of the countries of the area their interests—the preservation of the systems of land tenure, the control of the Church and of the high military ranks, and the maintenance of a European rather than an indigenous cultural orientation—are the best-protected and espoused. Where commercialization and industrialization have taken hold, new interests are created, primarily among the "whites." In some of the countries, this has a divisive effect upon "white" interests, for land ownership is sometimes held to be threatened by commercialization and industrialization. Conscious of themselves as the ruling group in most of the countries of the area, the "whites" share an interest in the avoidance of true revolution and, in general, oppose political reforms believed to imperil their dominant position.

Less is known about the *mestizo* or *cholo*. A detribalized Indian but not yet a "white," the *mestizo* accounts for over 30% of the populations of some of the countries. He is not politically articulate, and rarely organizes. He is interested in working his way into the "white" group, and usually, in severing his ties with the Indians. The *mestizo* is frequently employed as an artisan or a tradesman. In some of the countries of the area, the *mestizo* is an important source of the labor supply. As a class, the *mestizos* no doubt have interests. But given the paucity of available data, little more can be said here regarding their non-associational interests without risking the hazards of a major excursion into the realm of speculation.

About the Indian, entire libraries have been written. Indian communities and villages are tightly organized, and the Indians feel strong loyalties to them, but the Indian class as a whole is not organized in any of the Latin American countries. In general, the Indians resist incursion upon their way of life by the "whites." They desire, as they frequently put it, to be left alone. They seek decentralized, loosely organized, or inefficiently administered government, so that the number of "white" government officials entering their communities bearing rules and regulations from the national capital will be held to a minimum. Having normally a deep love for their villages and communities, they strongly resist resettlement programs involving relocation of the lower classes. Typically, the Indian does not own much, if any, land. Many writers have argued that in Latin America the Indian problem is basically a land problem, and have urged land reform programs which would deliver holdings to Indian ownership.[35] The Indians, however, have rarely expressed this sentiment themselves, and have been slow to respond to land redistribution programs. Being quite inarticulate politically, they rarely communicate their desires to the "white" officials of the governments which rule them.

Interests also arise from the concept of status, especially within the "white" groups. In colonial times the upper class was acrimoniously divided within itself, with the creoles—persons born in the colonies—pitted against the *peninsulares*—born in Europe—who enjoyed higher status. Indeed, this intra-class struggle was one of the factors giving alignment to some of the fighting during the wars of independence. Since then, the *peninsulares* have dropped from the Latin American class structure, but the concept of the "old families" or "good families" remains. These—when they can establish themselves as such—enjoy considerable prestige within the ruling class. Although the "whites" are at least as racially mixed as any other group in Latin American society, the "old families" are constantly engaged in heraldic research designed to demonstrate their unmixed Spanish descent. To be accepted as an "old" or "good" family is to be the aristocracy of the aristocracy. Families which have achieved this enviable position have a strong interest in preserving those elements of the system —particularly the older patterns of land tenure—that lend security to the prestige system, and in making it difficult for "new" families to become "old" and share the higher status.

Again, in view of the paucity of research on the *mestizo* or *cholo* group, little can be said here of the prestige patterns within that class. In general, however, the *mestizos* strive to become "whites."

Status is at least as important among the Indians as it is among the "whites." A significant difference, however, should be noted. Whereas those who acquire high prestige among the "whites" enjoy it on a national—and, in some cases, international—basis, status among the Indians has meaning only on a local village or community level. As in the case of the "whites," status among the Indians rests on ascriptive more than achievement considerations. Village elders, and their relatives, enjoy prestige, as do witch doctors and medicine men. To hold high status in the Indian community is to exercise some power—frequently of government—within it, and those who have this prestige are interested in preserving it and preventing its adulteration through too-easy access of other Indians to the status positions.[36]

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[35] See, for example, José Carlos Mariátegui, *Siete Ensayos de Interpretación de la Realidad Peruana* (Lima: Editorial Librería Peruana, 1934); W. Stanley Rycroft (ed.), *Indians of the High Andes* (New York, Committee on Cooperation in Latin America, 1946); Eyler N. Simpson, *The Ejido: Mexico's Way Out* (Chapel Hill: University of North Carolina Press, 1937); Moisés Sáenz, *Sobre el Indo Ecuatoriano* (Mexico City: Secretaría de Educación Pública, 1933); Sáenz, *The Peruvian Indian* (Washington: Strategic Index of the Americas, 1944); and Sáenz, *The Indian: Citizen of America* (Washington: Pan American Union, 1946).

Non-associational interests also arise among some ethnic groups in Latin America. For example, Negroes—numerous in the Caribbean island republics, and in some parts of Brazil—have developed strong interests though they emerge on an unorganized basis. So, too, have a number of the European immigrant groups, notably the Italians, Germans, Spaniards, and Jews. The European immigrant groups are normally more articulate than many of the indigenous groups, particularly the Indians and *mestizos*, and generally have developed interests, usually directed toward the preservation of their social and economic positions in society.

Patterns of kinships and lineage also produce systems of non-associational interest in Latin America. This is especially true among the "whites" and Indians; the *mestizos* again, for the time being at least, stand as an unknown quantity. Among the "whites," reference has already been made to the "old" or "good" families. High values are assigned to belonging to them, or if that is impossible, to being somehow related or connected to them. The extensive use made of, and the exaggerated importance given to, the famous letters of introduction among the "whites" have frequently reached the proportions of a joke. A letter of introduction from a well-known member of an established "good family" is, in many of the countries, indispensable to the candidate seeking employment or some other favor from government. "The municipal department had become a perfect teeming house of *recomendados*—persons for whom jobs had been found whether jobs were to be had or not," an observer has said of local politics among the "whites." "In the old days of the Deliberative Council, it used to be a standing joke that business offices could be wall-papered with the letters of introduction given to job applicants."[37] Although this particular reference is to local government, the practice is general.

Three generalizations can safely be made regarding the role of kinship and lineage among the Indians of Latin America. First, as a determiner of interest, it is even more basic in this class than among the "whites." Next, in many Indian groups, kinship and lineage are more centrally and directly related to politics and government than is true of the upper classes. Finally, in contrast to the situation among the "whites," this is important among the Indians on the local—village and community—level to the almost total exclusion of other levels of politics. Unfortunately, these are virtually the only generalizations on the subject that can be made with assurance. Practices in this field vary widely among the indigenous peoples of the area, for two major reasons. First, it is in many senses unrealistic to lump all of the Indian groups together and treat them as a unit. These people have differing cultures, languages, and social, economic, and political systems. Secondly, the extent to which "white" practices have penetrated Indian systems varies considerably, not only from country to country but also within many of the countries. Kinship and lineage functioned as a major determinant of political station and interest in the overwhelming majority of the indigenous Indian systems of Latin America. In some areas, where these systems have been relatively little interfered with by the "whites," this is still true. Indeed, instances exist in which Indian systems of village government continue to function undisturbed despite the fact that the "whites" have promulgated written constitutions providing for very different patterns of local government.[38] But there are cases—often in other regions of the same countries—where acculturation has taken the form of Indian responses to "white" influences which have fundamentally altered, or even obliterated, the indigenous practices. A number of monographic studies of such cases in specific Indian communities have been published. Short of reporting these detailed findings, there is little alternative to stressing the importance of kinship and lineage and emphasizing that, as a rule, Indian groups are markedly less politically articulate than the upper class. Thus, this type of interest, while often more crucial in the lower classes, typically receives far less of a hearing when emanating from the Indians than from the "whites."

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[36] See Aníbal Buitrón and John Collier, *The Awakening Valley* (Chicago: University of Chicago Press, 1950).

[37] Ray Josephs, *op. cit.*, p. 26.

Non-associational interests also arise on regional bases. Regionalism is characteristically a major feature of the pattern of Latin American politics. It stems not only from the role of regional loyalties in Spanish culture, but also from the historic difficulty of transportation and communication across the mountains and through the jungles of Latin America. Living in a species of isolation from each other, the regions of Latin America have developed their own sets of interests. In Peru and Ecuador, for example, the regions known in each country as the "Coast" (located west of the Andes Mountains) are receptive to secularization and commercialization, fostering commercial and industrial interests; whereas, in both countries, the "Sierra" (lying between the eastern and western cordilleras of the Andes), less secularized, cultivates the interests of the landowners and the Church. In both countries, the sometimes bitter conflict of interests between these regions is a major element of the national political patterns. In Argentina, to cite another illustration, the interests of the landowners and the Church in the "interior" have historically been pitted against those of the secularized and far more commercialized metropolitan region of Greater Buenos Aires. A second major aspect of the regional base of non-associational interests arises from the process of urbanization. A number of the Latin American countries have had to cope with the problem of *la cabeza de Goliat* (Goliath's head): a giant metropolitan center (usually the capital city) rests on the dwarflike body of the rest of the country. In some cases, as much as half the national population lives in the one large city. The secular, commercial, and sometimes industrial interests of the metropolis are in chronic conflict with those of the religious and quasi-feudal "interior." In Latin America, the major illustrations of this pattern are to be found in Argentina, Cuba, and Uruguay.

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[38] See, for example, Manning Nash, "Relaciones Políticas en Guatemala," in Jorge Luis Arriola (ed.), *Integración Social en Guatemala* (Guatemala City: Seminario de Integración Social, 1956), pp. 137–156; and K. H. Silvert, *A Study in Government: Guatemala*, Part I (New Orleans: Middle American Research Institute: Tulane University, 1954), *passim*, especially pp. 62 ff.

II

My concluding task is to attempt to show that this sort of group analysis has some merit and may stimulate some productive new departures for political scientists interested in the field of comparative politics. Let me first enter two disclaimers: novelty is no guarantee of merit, and an interest in political groups is not new among American political scientists. Nevertheless, previous expressions of that interest have not, in general, included two elements significant here. One of these is the application of group analysis to foreign political systems, and the other is its use in comparative studies. Notwithstanding the regrettable tendency within our profession to regard "foreign governments," "comparative government," and "comparative politics" as synonymous terms, the study of political groups in foreign systems and in comparative analysis are two separate and distinct matters. Let me, then, turn my attention to the first of them. The bulk of the work—particularly the earlier work—done by "North American" political scientists in Latin America has generally involved, in one way or another, the description of formal structures of governments. It has often taken the form of translating the written constitutions of the various countries and abstracting or summarizing these legal provisions. This type of research has its uses, for some familiarity with constitutional forms is, if not necessary, at least helpful, in the analysis of other political problems. But while there are always new Latin American constitutions to be translated and summarized—and I will even concede that there is room, in the off years when no new constitititutions are promulgated in the area, for the improvement of the translations and summaries of the older texts—this type of activity reaches the point of diminishing returns. Indeed, I will argue that we long ago arrived there.

It is, in short, necessary to work with more than the formal structures in Latin America. Again, this is not a new point. For some years Latin Americanists have been looking to non-constitutional materials. Seduced by the anthropologists, many of us have experimented with cultural approaches. We have become enamored of political styles arising from alien cultures. We have examined the class systems and made much of the "whites" while we neglected the *mestizos* in order to carry the torch for the downtrodden Indians, until it took a Moisés Sáenz to tell us that "in order to be fair to the Indian, it is not necessary to stick feathers in our hair or wield a war club."[39]

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[39] Sáenz, *The Indian, Citizen of America*, p. 1.

There are considerable advantages in examining political groups in Latin America as alternative non-constitutional materials. Beginning with the most unstructured considerations, I might start by pointing out that this is a major area of our ignorance in Latin American politics. We know virtually nothing about the area's political groups, and there is some virtue in our beginning to acquire that knowledge for its own sake.

On a little more structured level, it can also be said that research on political groups would help us to understand problems which have long concerned us in Latin American politics. Take the Argentine case as an example. I choose Argentina because it has long been regarded as one of the more important of the countries of the area and because much research has been done there; more articles and books have been published by "North American" scholars about that country than about most other Latin American states. On June 4, 1943, the Argentine government was overthrown in one of the area's most significant so-called "revolutions" of recent times. Who or what was directly responsible for the revolution? A political group: a clique of army officers known as GOU[40] or "colonels' clique." What was the GOU? Where did it come from? How did it operate? Nothing in all our research—none of the product of our long-standing interest in Argentina, nothing in all our scholarly articles and books—could suggest answers to such questions. So far as the existing political science was concerned, the Perón revolution came from nowhere.

If we agree that the Perón coup was one of the more significant political developments of our time in one of the most important countries in the area, how did it happen that the GOU took the area specialists by surprise? How does it happen that we have let militarism and the process of military clique-formation, one of the more basic characteristics of Latin American politics, go unstudied? Why is our ignorance so inclusive that it covers not only the military but most of the other political groups in Latin America? If it is argued that this is an unfair challenge, that as political scientists we have been trained to examine institutions rather than the amorphic entities embraced by the unfamiliar jargon of associational and non-associational groups, I reply that the GOU was an institutional group, part and parcel of the formal structure of government, and nothing so exotic as associational or non-associational.

How many more translations and summaries of Argentina's Constitution of 1853, as remarkable as that celebrated document may be, can we afford to make before we undertake the analysis of the political groups of that and other Latin American countries? Or, to put the question in another way, which route to the mainsprings of the area's politics is more fruitful for the scholar—to wait for GOU after mysterious GOU to ambush him, or to seize the initiative in seeking out these groups, tracking them even to associational and non-associational sources? No doubt this has policy implications as well, but they are not my concern at the moment. My point has been the relatively simple one that the study of political groups in Latin America would not only close considerable gaps in our knowledge of the area but also improve significantly our understanding of its politics.

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[40] These initials conveniently and interchangeably stood for *Grupo de Oficiales Unidos* (United Officers' group), and *¡Gobierno! ¡Orden! ¡Unidad!* (Government! Order! Unity!), the group's slogan.

This is among the less structured of the merits of the study of groups. To move to the arena of comparative analysis is to enter a more sophisticated level. Before taking that step, let me reiterate the high importance of the distinction between comparative politics and the study of foreign governments. In comparative analysis, as I understand it, an attempt is made, through precise study of two or more objects, to isolate and identify their similarities and differences. The techniques of comparative study may be, of course, of varying degrees of complexity. I have heard it claimed for some of the more complex modes of comparative analysis that through them similarities and differences may be not only isolated and identified but also explained. I am not myself convinced that the comparative method alone can do the explanatory job. Isolation, definition, and identification of properties can be handled in this way, but the task of explanation seems to require that the comparative method, where used, be assisted or supplemented by additional modes of analysis.

One of the constantly recurring problems in the comparative study of politics is the circumstance that in this field we generally deal with the so-called "macro" materials—that is, with large units or universes such as entire countries or political systems. In doing this, so far as precision is concerned, we are at a decided disadvantage in comparison with the scholar engaged in a "micro" analysis of a small unit which lends itself more readily to precise study. No doubt, this is one reason why much of what is called "comparative government" consists of roughly parallel descriptions of two or more "macro" systems, without benefit of comparative analysis. It is not easy—and some may think it impossible—to handle two or more national systems in a fashion permitting them to be compared precisely. Countries, cultures, even systems of government, appear in many ways to be unique as large universes. Argentines behave differently from Cubans; even the task of comparing the Mexican congress with the Chilean national legislature presents formidable pitfalls.

One solution to this "macro" problem might involve a conceptualization permitting the abstracting of precisely defined components common to two or more large universes, components which could then be subjected to comparative analysis with some promise of precision. Political groups are among the forms such components might take. So it might be claimed for the introduction of political groups into comparative analysis that it has the advantage of furnishing a method of abstraction rendering political systems more precisely comparable, thereby making comparative analysis more manageable. Indeed, it could be argued that this method creates the possibility of comparative studies of large units which would be intrinsically incomparable in the absence of some such abstractive device.

Another potentially significant contribution of the group emphasis to comparative politics lies in the examination of structures in terms of their political functions. Structural-functional analysis holds some promise of advancing comparative studies. Consider a relatively simple variation of it. If we were to devise a list of the functions performed in all political systems, such as political recruitment, communication, interest-articulation, interest-aggregation, rule-making, rule-application, and rule-adjudication, the group focus might serve to locate the structures performing each of these functions in the systems being compared. These structures, which are groups, might then be analyzed for their political functions.

Suppose, for example, a comparative analysis of the political systems of Chile, Mexico, and Paraguay. The national legislatures of these three countries are given similar names—"Congress" in Chile and Mexico, and "Chamber of Representatives" in Paraguay—by the constitutions, which contain a few additional similar stipulations about the legislatures. But the bases for comparative analysis end here. If, on the other hand, we seek the groups which perform the political functions common to the three systems, we might well be on more significant ground. For example, I suspect that much of the rule-making function is indeed performed in the Congress in Chile, but in the PRI, the dominant non-dictatorial party in Mexico, and by a military clique within the Asunción garrison in Paraguay. If that is so, a comparative analysis of the Chilean Congress, the Mexican PRI, and the Paraguayan military should give us a far more significant result, and a deeper insight into the three political systems, than a comparison of the three national legislatures. Thus, the second branch of my case for the use of political groups in comparative analysis is the argument that it would not only give us greater precision but would also permit us to direct that accuracy to more important propositions about the actual functioning of political systems.

Further, the group emphasis may be expected to make a major contribution in a field of rapidly growing concern in comparative politics, the problems of underdeveloped areas. "Underdevelopment" or "underdevelopedness" has been chiefly an economic concept related primarily to technology. The proposition central to this concept can be demonstrated in comparing two models of economic systems, one "advanced" or "developed," and the other underdeveloped. In the "advanced" model, a given input into the productive process (capital, raw materials, man-hours of labor, etc.) is subjected to a given technology, from which a measurable production emerges. In the underdeveloped model, the same input may go into the productive process, but is subjected to a less efficient technology, and so results in a measurably lower level of production characterized by low standards of living. Owing largely to technological problems affecting the state of their productive arts, the underdeveloped areas present us with a challenge.

These underdeveloped areas, of course, include much of Latin America. A major key to the problem lies in technological change, to raise the levels of production, and so the standards of living, in the underdeveloped areas. A number of public programs based on this solution are currently in operation. A modest sector of the foreign aid programs of the United States—variously known from administration to administration as technical assistance, "Point

Four," and technical cooperation—has as its objective the stimulation of technological change in the underdeveloped areas. The technical assistance programs of the United Nations are similarly conceived. All of the Latin American countries participate in the foreign aid programs of the United States; some of these countries are also involved in United Nations technical assistance. Partly on account of these programs, technological change and economic development should be counted among the more significant movements afoot in contemporary Latin America. In some of the countries—witness Brazil and Mexico—the rapidity of this change is little short of spectacular.

Thus far the economist has done the work for us. But the political scientist interested in Latin America—or any other underdeveloped area—cannot much longer neglect the major analytical task awaiting him there. It is widely assumed that there is some interplay between levels of economic development, on the one hand, and political systems on the other. It is believed that the politics of, say, Bolivia, Haiti, and Paraguay are integrally tied to their underdeveloped economies, and that, as these change, so must their political systems. Again we have policy implications: many of the foreign aid programs of both the United States and the United Nations are based on the assumption that political change goes hand in hand with economic development, but others, in the name of prudence, take recipient institutions as they find them.

Yet all this is still in the realm of belief, of assumption, and even of faith. Apart from the rival slogans of private enterprise and socialism, we have not even the beginnings of a theory of the relations between economic levels and political systems. When the political scientist undertakes, as he must, the search for this theory, he will no doubt have recourse to comparative analysis. I do not claim foreknowledge of the direction this theory will take, but I think it reasonable to expect that again we will be dealing with political groups. I say this because I see one road to the remarriage of economics and politics for this purpose through the theory of interests. Economic development, technological change, and trends toward industrialization imply changes in employment patterns; these alter the distribution of interests. Interest theory is closely allied to group theory; indeed, they may be the same. I suggested early in this paper that every political group has an interest, which could be regarded as the central or continuing type of activity giving the group its property as a system or unit.[41] If such a formulation comes to underlie our understanding of the relationship between economic development and political change, the comparative analysis of groups might then unlock new doors not only to Latin American but also to other underdeveloped areas which, after all, embrace most of the people of the world.

These other areas bring me to the fourth element in my case for the comparative analysis of political groups, the problem of inter-area comparison. Specialists on an area like Latin America are in some danger of becoming the victims of inertia and other forces restricting them to that area alone. It is a danger because it is a form of imprisonment. We should not devote our careers to learning more about Latin America for the sole purpose of learning more about Latin America. Science seeks to generalize, and the more we can apply to other areas what we learn in Latin America, the greater the likely contribution to comparative politics and to political science as a whole.

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[41] See above, p. 106, note 1.

Substantial obstacles make the practice of this preachment difficult. It is not easy to learn new languages or to develop, in working with the nuances of strange cultures, the skills that we have cultivated, and at some sacrifice, in Latin America. Yet sooner or later we should be prepared to do this. As political scientists in the confines of a single area, we do serious harm to ourselves as well as to our discipline. Actually, there are grounds for optimism on this score. In the last few years, scholars working in other foreign areas have made noteworthy progress toward inter-area comparison. But its difficulties are hard and real. This is another point at which we might make substantial strides through the comparative analysis of political groups. The formula here may be similar to what I have suggested above with respect to the "macro" problem of comparing large universes. In principle I see no serious methodological difference between applying this as between two or more countries in the same area, and as between two or more systems in different areas. If it is feasible to compare the Chilean Congress, the Mexican PRI, and the Paraguayan military, the theoretical task is not substantially different in comparing, say, the *Apristas* with *Mau-Mau* or the GOU with the Young Turks. My point is not merely that this can be done, but rather that, sooner or later, it must be done.

Further, we should realize that while in loosening our areal shackles in order to work in the underdeveloped areas at large we enter a wider field, this bigger, better, more comfortable, and more significant realm is still an intellectual prison. We will not be fully free until we can compare *all* political systems, inside and outside of the underdeveloped areas. It is in this light that we should view the recent work of the SSRC's Committee on Comparative Politics, which has proposed the curious dichotomy distinguishing "Western" from "non-Western" political systems. We can quarrel with this terminology—for my own part, I am not happy with it, particularly as it applies to Latin America—but to concentrate our attention on the terms is to miss the larger point. Some political systems are significantly more urbanized, secularized, commercialized, integrated and receptive to technological change than others, and we should be able to compare these extremes, whether we call them "western" and "non-Western" or something else. Essentially, this would bring us back to the examination of political structures in terms of their functions. Where these political functions are performed in a "Western" (*i.e.*, secularized, integrated, etc.) fashion in one system and in a "non-Western" (*i.e.*, traditional, unintegrated, etc.) manner in another, we can study these systems by examining structures (*e.g.*, political groups) exercizing the functions. Once again, then, we find ourselves with the comparative analysis of political groups.

A final problem remains. This is the question of the extent to which comparative analysis is necessary to the development of general theory. There are those who argue that the comparative method can be—some even say ought to be—bypassed in the development of general theory. But to the extent that comparative analysis has a role to play in the achievement of this objective, we have the final component of my case for the comparative study of political groups. Two aspects of it need mention. First, this would give added point to our re-examination of the work of Bentley, Truman, and Latham. If comparative analysis of political groups is necessary to arrive at a general theory of groups, this is one element that has been missing from the existing literature on the study of groups and the basic justification for dusting off a book published in 1908 to say something new about it. In the second place, if comparative study is necessary to arrive at a general theory of politics, the comparative analysis of political groups carries still deeper significance. In the current stage in the development of political science it has become increasingly clear that the field of comparative government or comparative politics is not paying its own way in the disciplne. If the field is to hold its own, it must contribute to political science as a whole; that is, comparative study must take part in the search for a general theory of politics. This is the fundamental element in the case—it may well be that, in the long run, this is the *entire* case—for the comparative analysis of political groups.

This may seem too ambitious an argument for the study of political groups in Latin America. Let me say in conclusion, however, that basically I have made only three claims in its defense. The first is that it would close important gaps in our knowledge of Latin America and thereby lead us to greater understanding of the mainsprings of its politics. In the second place, it would give a sharper edge to comparative political analysis, and so contribute to an improvement of the quality of research in the field of comparative politics by encouraging more meaningful comparisons of the Latin American systems with each other, and with "Western" and "non-Western" systems in other areas. Finally, the types of inquiry I have suggested here would stimulate a more significant contribution from the field of comparative politics to political science as a discipline. If this is indeed too ambitious a case, I hope to learn of a formula whereby the student of foreign politics may shrink from this ambition and at the same time enjoy a respectable role as a useful political scientist.

SOVIET POLICY TOWARD NATIONAL COMMUNISM: THE LIMITS OF DIVERSITY*

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On one thing the Soviet and Yugoslav Communists agree: "national communism" is a contradiction in terms. "The very expression 'national communism'," say the Soviet theoreticians, "is a logical absurdity. By itself communism is really international and it cannot be conceived otherwise."[1] Tito was just as emphatic when he told *New York Times* commentator, C. L. Sulzberger, that "national communism doesn't exist. Yugoslav Communists too are internationalists."[2]

That the Soviet and Yugoslav positions appear to agree on this point is no accident. Marxist theory has never acknowledged a genuine alternative to socialism or capitalism, and socialism was a profoundly international idea. But in its effort to abolish national strife, create a world-wide economic and social order, and establish political and social internationalism, the socialist movement had to start within the framework of the nation-state. In practice, therefore, socialism was mainly a national affair. The gulf between the necessary national starting point of the socialist movement and its international ideal was, to put it mildly, considerable.[3] Though the international working class solidarity of the *Communist Manifesto* has been emptied of plausibility by the events of the last hundred years—not least of all by the abandonment in practice of internationalism in 1914 by the socialist movement—internationalism is a fetish to which even the right-wing socialist makes his obeisance.

To be sure, this socialist internationalism is rooted in the 19th century liberal faith in the ability of nationalism to create a better way of life for the peoples of the world. When in the second half of that century nationalism took on retrograde forms, leading to war and organized inhumanity, the socialists were confirmed in their internationalist beliefs. Nevertheless, socialist theory in either its Socialist or Bolshevik variants was never able to cope with the problem posed by nationalism. In part this was due to the practical exigencies of socialist politics which forced the socialist parties into increasing concentration on, and integration with, national state policy, given the increasing state intervention caused by the conditions of late 19th century industrial capitalism. This is the point Franz Borkenau once illustrated with the paradoxical argument that the assumptions of Marxian internationalism were essentially valid precisely under liberal capitalism. Under a regime of absolute non-interference by the state in economic matters, the state was nothing but an executive organ of the capitalist class intent mainly on holding down the proletariat. Once the state took a direct hand in action to protect the laborer, however, his hope then rested in an extension of the powers and functions of that very state which the doctrinaires had taught him to hate.[4] The state had become as much the affair of the proletariat as of the bourgeoisie.

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[1] *Kommunist*, January 1957, No. 1, editorial, p. 9.

[2] *Borba*, March 6, 1958, p. 1.

[3] Franz Borkenau: *Socialism, National or International* (London, 1942), p. 1.

Viewed historically, present-day "national communism" is one of a series of eruptions under new conditions of this conflict between nationalism and internationalism in the Socialist-Communist movement. Nationalist tendencies plagued the movement before the Bolshevik revolution, during the period of the Comintern and "socialism in one country," and in the post-World War II period of multiple Communist states. In each period, the particular manifestations of nationalism have had their own function and importance.

I

The problem of nationalism was present at the very foundation congress of the Russian Social-Democratic Workers' Party in 1898 where the right of national self-determination was proclaimed in the party's initial manifesto.[5] Until 1914, the implications of this issue had to do with national and party affairs rather than with international policy. That is to say, there developed a head-on conflict between Bolshevik centralism, developed in response to the exigencies of underground struggle, and the program of national autonomy of the Austro-Marxists and the Russian and Polish Bundists (All-Jewish Workers' Union) growing out of the disruptive nationalist tendencies of the Dual Monarchy and the peculiar status of the Jews in Eastern Europe. The Austro-Marxists propounded the idea of non-territorial cultural autonomy and, for those nationality groups which were scattered, a scheme of national cultural autonomy on a personal basis—that is, autonomy for educational and cultural affairs, irrespective of their place of residence. When on this basis the Bund attempted to demand recognition for itself at the second congress of the Russian Social-Democratic Party in 1903 as the sole representative of the Jewish proletariat in whatever part of Russia the Jews lived, it was heavily defeated and withdrew from the party.

Lenin fought these nationalist tendencies on the ground that they would weaken both the party and the state. "National autonomy," he argued, was an irrelevant issue for the proletariat. Rather the proletariat was interested only in two things: on the one hand, political and civil liberty and complete equality of rights and, on the other, the right of self-determination for any nationality, meaning the right to secede. And as far as secession was concerned, Lenin suggested that just because one has a right to get a divorce, one will not demand a separation under all circumstances. "The right of self-determination," he said, "is an exception to our general thesis, which is centralism."[6]

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[4] *Ibid.*, pp. 49–50.

[5] E. H. Carr: *The Bolshevik Revolution, 1917–1923* (London, 1950), Vol. 1, p. 418, and, in general, "Note B. The Bolshevik Doctrine of Self-Determination," pp. 410–428.

[6] Lenin, *Sochineniya*, Vol. 17, pp. 90 ff., as quoted in Solomon M. Schwarz: *The Jews in the Soviet Union* (Syracuse University Press, 1951), p. 27.

On the right, this position of Lenin's was criticized by the Mensheviks who leaned in a more federalist direction. On the left, he was attacked by the internationalists, particularly by Rosa Luxembourg, who viewed self-determination as merely a tool of imperialist propaganda. But Lenin clung to his thesis, arguing that self-determination was a useful revolutionary slogan which would lose its force once the revolutionary class had seized power and multinational states were merged into a unitary socialist order. To be sure, the nationalist issue was the reflection of a deeper problem, *i.e.*, the conflict between reformists and radicals within the socialist parties and, later, between socialist democracy and communism; but this paper is confined to a discussion of the nationalist and internationalist manifestations rather than to the underlying political problems.

With the Bolshevik seizure of power in Russia and the foundation of the Comintern, the issue between nationalism and internationalism was cast in a new light. The Communists laid claim to the mantle of true internationalism on the ground that the majority of the socialists had betrayed the socialist cause to nationalism. But within a few years, the decision to build socialism in one country[7] pending the resurgence of an international revolutionary mood transformed Marxian revolutionary internationalism into a pseudo-internationalism filtered through the sieve of Soviet national interest. As Stalin put it bluntly in 1927, "A *revolutionary* is one who is ready to protect, to defend the USSR without reservation, without qualification, openly and honestly . . . ; for the USSR is the first proletarian, revolutionary state in the world, a state which is building socialism. An *internationalist* is one who is ready to defend the USSR without reservation, without wavering, unconditionally; for the USSR is the base of the world revolutionary movement, and this revolutionary movement cannot be defended and promoted unless the USSR is defended."[8] No doubt much of the early support for the first "workers' state," both for itself and in its capacity as guarantor of a future expansion of the proletarian revolution, was thus given as an expression of a kind of suspended internationalism. But for socialists who threw in their lot with the Third International, the national interest of the Soviet state had to clash, sooner or later, with both revolutionary perspectives and the requirements of their own domestic situation. The margin of tolerance that might have existed between the Moscow center and the national Communist parties was obliterated by Stalin's consolidation of power within the Soviet Union and his concomitant "bolshevization" of the Comintern. It is too often overlooked that the Soviet Union's external policy, including its treatment of the national Communist parties, has historically been a function of its domestic concerns. The point is worth remembering in analyzing Soviet relations with Eastern Europe after the death of Stalin.

Within the circumscribed internationalism of the Comintern cosmos—so-called proletarian internationalism—the centralizing tendency of Moscow provoked both an ideological and a national separatism. On the left, the Trotskyite opposition broke with the Third International, claiming that the revolution had been betrayed in the Soviet Union by the bureaucratization of power and that the leaders of the national Communist parties, obedient servants of the Kremlin that they were, had sold out their own working class. This cleavage in the Communist movement took place on ideological, internationalist grounds, but its net effect was to put a brake on separatist tendencies, including those motivated by nationalist reasons. For the spectacle of the Fourth International degenerating into a powerless sect, beset by factionalism and convulsed by esoteric exegesis, served as a warning to potentially dissident Communists who were disenchanted with the Kremlin but who wished nevertheless to work within an organized Marxist movement of some consequence.

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[7] Thomas T. Hammond argues that the "theory of 'socialism in a single country' was, in effect, national communism." "The Origins of National Communism," *The Virginia Quarterly Review*, Vol. 34 (Spring, 1958), p. 279.

[8] "The International Situation and the Defense of the USSR" (August 1, 1927), *Works*, Vol. 10, August–December 1927 (Moscow, 1954), pp. 53–54.

The Trotskyite opposition was a unique phenomenon. The more characteristic tension that came to prevail within the international Communist movement was a function of the conflict between Moscow's centralized direction and the tactical requirements of the national Communist parties. The opposing interests were engendered by practical, policy considerations, not by genuine theoretical divergencies, nor by national patriotism. Just as the Comintern's internationalism was specious in relation to Marxian internationalism, so was the nationalism of the Communist party leadership in relation to the nationalism of their respective countries. But within the closed circle of the Communist movement, there did emerge what might be called incipient nationalism of a separate kind, that is to say, the attempt of the Communist parties to form and follow policies which they thought suitable under local conditions within, or outside, the frame of reference set by the Kremlin.

An esoteric, but pertinent example was the recurrent argument in the CPUSA about the "exceptional" nature of American capitalism. If this view had prevailed as the position of the American party, Soviet theory on the nature of capitalism and imperialism would have been directly challenged; its strategic derivatives would have been laid open to question; and its monopolistic control over the national Communist parties would have been threatened. Whether the American proponents of "exceptionalism" were more right than wrong, or whether the adoption of this "revisionist" position would have benefited the American Communist movement as a national force were irrelevant considerations to the Soviet leaders. This minor example could be matched by others of a more crucial character, such as the dilemma of the Indian Communist Party in 1941 which was forced to abandon its fight for independence from British rule in order to support the Allied coalition, once the Soviet Union had been attacked by Nazi Germany. In each and every case the national Communist parties were subordinated to the national interests of the Soviet Union. The decision in 1924 to concentrate on the construction of "socialism in one country" implied the abandonment of the identification between the Russian revolution and the international revolutionary movement which had prevailed in the Bolshevik ranks since 1917. The subordination of the national Communist parties to this objective was merely the logical corollary of this policy. A few not entirely negligible communist movements such as the Burmese Communist

Red Flags and the Indonesian *Partai Murba*, spawned in the Asian national ferment of the post-World War II period, went their independent ways, but these were the scattered exceptions to the regularly conforming Communist movements.

II

The issue of national communism was projected on a new plane after World War II when twelve Communist states took their place next to the USSR. The significance of this development for the Soviet Union can hardly be exaggerated. Prior to World War II, nationalist sentiment in the Communist movement had been kept in check by a combination of factors, including loyalty on principle to the Soviet Union, power considerations, and the patronage and politicking of the Soviet leaders. Many were unquestionably sincere in subordinating their own interests to those of the Soviet Union, for its successful defense against capitalist hostility was the indispensable precondition for the victory of their own Communist movements. Moreover, since the national Communist parties were, with few exceptions, weak, they were attracted to the pole of Soviet power; the alternative, as case after case demonstrated, was political isolation and sterility. The compulsions of both principle and power were reinforced by the patronage which the Kremlin was able to dispense and by its ability to find willing tools in the national parties in time of crisis. Considering the tenacity of the Kremlin's insistence on loyal and disciplined parties regardless of the cost to them when they were without power—and this was a matter more of prestige than of actual need for the Soviet Union—the capture of state power by a number of Communist parties presented the Soviet leadership with a qualitatively new problem.

This problem was exacerbated by the fact that national communism, so to speak, became for the first time a concern of Western foreign policy. Prior to World War II the national Communist movements were the domestic preserve of the individual state; the establishment of several Communist states raised the problem to the foreign policy level, potentially bringing to bear on them all the weapons of the Western diplomatic arsenal. The challenge to Soviet hegemony over these Communist states was intensified by the geopolitical position of Yugoslavia and China, which were outside direct or indirect physical control by the Soviet Union. Then, as now, the situation could be met either by installation of loyal puppets in these countries or by devising a new relationship which would withstand the attractions of, and pressures, if any, by the Western world.

Stalin's response to the new situation was to seal off Eastern Europe into a number of satrapies exploited in the interests of the Soviet Union. To this single-minded purpose, he sacrificed the allegiance of Tito's Yugoslavia. Whether he would have acted differently if he had anticipated Tito's successful resistance is a moot point. Moreover, what views Stalin held about the future relations between the Communist states and the Soviet Union is a matter of conjecture:[9] perhaps total integration into a Union of Soviet Socialist Republics.

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[9] Samuel L. Sharp some time ago suggested that Stalin, under conditions of increasing bipolarization of power after World War II, had extended the principle of "democratic

His legacy in this respect, however, was to provoke a bitter anti-communist nationalism reinforced by years of political terror and economic deprivation. As long as Stalin wielded total power, the tension could not materialize into active opposition. His successors were unwilling or unable to carry on in the same way.

So much has happened since the death of Stalin and so little is known about the internal politics of the Soviet Union and of the policy motives of his successors that any explanation of what has happened in the field of interparty relations must be offered as a mere hypothesis. This is all the more necessary since it is obvious that however definitive were the policy guidelines of the 20th CPSU Congress, subsequent misunderstanding and unpredicted reaction were such that these original lines had to be modified—temporarily or not—to cope with unforeseen developments. Khrushchev's initiative in repairing relations with Yugoslavia and his endorsement of the doctrine of "national roads to socialism" at the 20th CPSU Congress suggest that he was groping toward a new pattern of relations between Communist states. De-Stalinization on the domestic scene pointed to parallel action in inter-party relations.

III

Khrushchev's denunciation of Stalin's methods implied, at the very least, that the excessive centralization of control over the Communist parties was at an end. The corollary to this was greater autonomy at the national level—and perhaps this is all Khrushchev had in mind at the time. Nevertheless the centrifugal tendencies within the movement set in motion by the death of Stalin were encouraged by the Soviet-Yugoslav *rapprochement* and by promulgation of the doctrine of "national roads to socialism" at the 20th CPSU Congress. The Belgrade declaration of June 2, 1955, an official government agreement between Yugoslavia and the USSR setting forth the principles which were to guide their relations, was the promise of a new type of association between Communist states. Of particular relevance was the stipulation that both governments would respect the "sovereignty, independence, territorial integrity and equality of states in their relations with each other and with other states," and would be guided by "mutual respect and non-interference in internal affairs for any reason—whether economic, political or ideological—inasmuch as questions of internal organization, differences of social systems and of concrete forms of development of Socialism are exclusively the affair of the peoples of the individual countries."[10]

These principles have been honored in the breach since the date of their adoption; but to dismiss them as a piece of sheer hypocrisy on the part of the Russians is gratuitous, even if the principles were actually meant to be something

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centralism" into the field of international relations as the Soviet line of conduct toward Eastern Europe. *The World Influence of Communism*, Proceedings of the 28th Institute of the Norman Wait Harris Memorial Foundation, The University of Chicago, June 17–20, 1952 (1953), p. 99.

[10] "Declaration of the Governments of the Union of Soviet Socialist Republics and the Federal People's Republic of Yugoslavia," *For a Lasting Peace, For a People's Democracy!*, June 3, 1955, p. 1.

less in the practice than in the abstract. A statement of principle between any two sovereign states is merely the conventional dressing for the particular policies they find it in their mutual interest to pursue. As such, the agreement is valid only insofar as the actual political climate permits its implementation. At the time, no better method of striking a new type of balance with the Communist states could be found than by conceding to Yugoslavia its right to independence and idiosyncratic development of its socialist system within the international Communist movement. The Belgrade formula held out to the Eastern European countries the prospect of a liberalized relationship with the USSR, even if they could not attain the identical status of Yugoslavia.

Soviet acceptance of the propriety of Yugoslavia's policy of determining its own road to socialism was generalized for the international Communist movement at the 20th CPSU Congress in February, 1956. Citing Lenin to the effect that all nations will inevitably become socialist but not in the same way, Khrushchev enumerated four different forms of socialist construction: (1) the Soviet, (2) people's democracy, (3) the Chinese, and (4) the Yugoslav; and he conceded that still other forms may appear.[11] He spent very little time defining the content of national roads, and it is undoubtedly this vagueness that contributed to the shattering events in Eastern Europe. However, his brief allusions to the Chinese manipulation of private industry after the seizure of power and to the Yugoslav forms of economic management as examples of Socialist institutions that differed from the Soviet were sufficient to suggest that he was conceding the possibility of real institutional divergences and not only the matter of timing and pace—which, in themselves, may influence institutional development.

The relatively unspecific nature of Khrushchev's and Mikoyan's discussion of national roads to socialism and, especially in retrospect, the soft-pedaling of Soviet primacy and Soviet models for the other Communist countries unquestionably were deliberately intended to put the movement on a new course.[12] Indeed, nationalist sentiment was played to the hilt at the Congress. Former colonial areas were given a new status as between the Communist and capitalist blocs, in the confident hope that their economic requirements would lead them inevitably into the Communist orbit. Intended or not, for the Communist parties of Eastern Europe the national-roads-to-socialism formula provided an outlet for explosive nationalist sentiment, essentially anti-Russian and anti-Communist in character, which could now be diverted and released, at least temporarily, into sanctioned channels. Under these terms, the national Communist leaders could deal with their problems—such as the peasants and the church—on a lower level of conflict, so to speak, blunting the resistance to the regime while acting within the new orthodoxy. The autonomy of the leadership in domestic affairs did not extend to foreign affairs, where they were required to present a united front behind Soviet policy. This was a small sacrifice in view of the relatively minor tension created by foreign policy in Eastern European public opinion. The abandonment of Stalinist-type pressure on the satellites presupposed the absolute loyalty of the national Communist leaders to the Soviet Union and their ability to control their own populations. On both counts, the Soviet leaders misjudged the situation, as events following the 20th CPSU Congress tragically demonstrated.

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[11] "Report of the Central Committee of the Communist Party of the Soviet Union to the Twentieth Party Congress," Supplement to *New Times*, No. 8, February 16, 1956, pp. 22–24.

[12] The tentative and exploratory nature of Khrushchev's concession was reflected in the secret letter of September 3, 1956 from the Central Committee to all satellite parties warning them against the Yugoslav version of national roads to socialism and holding up the USSR as the only model to be emulated. The friction caused by this letter was later said to have been removed in talks between Khrushchev and Tito. *Borba*, editorial, October 12, 1956, p. 3.

As it turned out, the centrifugal and liberalizing tendencies which had mounted in Eastern Europe since the death of Stalin[13] could not be arrested by the 20th Congress, whose purpose was to channelize the liberalizing tendencies and at the same time congeal them. Instead, by its attack on Stalin and emphasis on nationalism, the Congress was another link in the chain leading to the catastrophe which found the Hungarians fighting the Russians in an anti-Soviet and anti-Communist revolution. Cautioned by the turn of events in Hungary, the Poles, for once, were realists, and did not attempt to press beyond the concessions Gomulka wrung from the Soviet leadership.

IV

The Hungarian revolt forced a policy retreat on the Soviet leaders. The revolt dramatized for them the intensity of anti-Soviet nationalism in Eastern Europe and the thinness of public support for Communist policies. More than a decade had passed since the installation of the Communist regimes without creating any substantial social basis for them. Even the ideological commitment of the Communist leadership was suspect. The even-handed campaign against "dogmatism" and "revisionism"—that is, the attempt to keep the Communist movement on the even keel of the 20th Congress line—gave way to a vigorous campaign primarily against revisionism which has had two climaxes, thus far.

At the fortieth anniversary celebration of the Bolshevik revolution in Moscow in November 1957, the twelve Communist state parties (Yugoslavia declined) signed a "Declaration" stressing, in contrast to the nationalist emphasis of the 20th Congress, the "basic laws" applicable to all countries developing a socialist society.[14] Briefly stated, these are the indispensability of the Communist party in achieving a proletarian revolution, and in establishing a dictatorship of the proletariat; public ownership of the basic means of production; gradual socialist reconstruction of agriculture; planned development of the national economy; and proletarian internationalism—that is, the recognition of the primacy of, and loyalty to, the Soviet Union. Even with the repetition of the standard qualification that "national peculiarities" must be taken into account in carrying out these "laws," it is difficult to escape the conclusion that a new orthodoxy—hardly differing from Stalinist orthodoxy—was reimposed on the Communist movement.

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[13] See *The Satellites in Eastern Europe,* Annals of the American Academy of Political and Social Science, May 1958, *passim.*

[14] *Pravda,* November 22, 1957.

This conclusion is reinforced by the second climax, developing out of the publication of the draft program of the Yugoslav Communist Party.[15] This not only codified such Yugoslav heresies as the contemporaneous withering away of the state and the party and the transformation of capitalism to socialism without benefit of the Communist party, but also attacked the bloc policy of the USSR, thereby challenging the entire Communist analysis of the nature of capitalism and the imperialist threat. As a result, Tito was tarred again as a heretic. Unlike the situation in 1948 when the issue was purely one of power, the charge of deviationism in 1958 now had substance also, since something called Titoism had developed over the decade. Nagy and his collaborators were executed as a warning to other revisionists and as a stark reminder to the Yugoslav and other Eastern European Communists that the liberal promise of the 20th CPSU Congress had been jeopardized by Tito's intransigence. His unwillingness to come to terms with the Soviet leaders had moved them into more rigid positions.

These events appear to make a fairly convincing argument that Stalinism—without the name—has been reimposed on the Communist movement and that the possibility of a new form of association of Communist states, making room for nationalist pressures, has been thrown overboard. Yet this view, it seems to me, is essentially unhistorical. It relies too heavily on the ideal construct of a totalitarian society impervious to, and incapable of, meaningful change. Change in a society without tried institutional procedures is bound to be potentially explosive and unpredictable, but not necessarily impossible. Western observers and visitors to the USSR seem to agree that there has been a marked improvement in the Soviet scene: the atmosphere of Khrushchev's Russia is not exactly that of Stalin's. In analyzing Communist developments, there is too great a tendency to apply Western norms and criteria, to expect too much in too little time, and to overlook the fact that reforming tendencies in Eastern Europe and the Soviet Union are interdependent, thereby accentuating the difficulty of change. Moreover, analysis of Eastern European developments too often takes place in a vacuum: the effect of Western policies, real or imagined, on the decisions of the Communist leaders is generally neglected.

V

In spite of the retreats of the last two or three years, then, it seems clear that the post-Stalinist leadership had recognized the advisability of a readjustment in the direction of a freer association of Communist states. The changed attitude of the Soviet leadership was partly dictated by the anomaly of an independent Communist state—Yugoslavia—existing on the Western flank of the Communist orbit and by the emergence of an independent Communist state—China—on its Eastern flank, a country whose national interests have historically clashed with the Russian. The new China not only has political ambitions which potentially challenge Soviet supremacy but the Chinese leaders also are not beyond harboring ambitions in the ideological field, as Mao Tse-tung's statement on "The Correct Handling of Contradictions Among the People" last year amply illustrates.[16] For the time being, however, for their own domestic and military needs, the Chinese are more catholic than the Pope.

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[15] "The Draft Program of the Union of Communists of Yugoslavia," *Joint Translation Service*, Belgrade, March 24, 1958.

In Eastern Europe the pressure on the Soviet leaders has stemmed from the eruption of nationalist forces. "National communism" in the sense of independent Titoism is not the issue. "National communism" in this area is largely camouflage for anti-communism and democratic socialism at best. The problem of the Soviet leaders is to forestall the complete bankruptcy of the Eastern European regimes by taking the edge off the nationalist impulse without impairing their own primacy in the movement. More specifically, the integrity of the Communist association is to be maintained by making concessions on doctrinal and organizational principles to permit the diversion of disruptive nationalist tendencies into channels which may still be called Communist. And here the Communist leaders are faced with the clash between nationalism and internationalism, to be sure in the Communist variant of this phenomenon.

True internationalism—the primacy of man over the state, or even on the lower level of politics, the subordination of patriotism to a super-national loyalty—is as much anathema to most of the western world as it is to the Communist. An approximate solution of the contradiction between nationalism and internationalism will be realized, not by theory, socialist or otherwise, nor by pious wishes, but by the application of force and pressure to bring about a situation where other satisfactions substitute for the attractions of nationalism. It is most doubtful that present-day communism is the substitute gratification for nationalism, but I am not concerned here with the prospects of an ultimate solution. Rather the issue is the problem facing the Soviet Union in developing a cohesive association of Communist states under severe nationalist and centrifugal pressures. In its quest for security the USSR must perforce exert its role of political and, by virtue of its system, ideological supremacy over the Communist states. The Soviet Union is the guarantor of the existence of the other Communist states, including Yugoslavia, and for that matter of the Communist parties out of power which, without the Soviet Union, would no longer have any reason for existing.

The problem confronting the Soviet leaders then, at least in Eastern Europe, is to mollify the people of the Communist states by permitting a greater measure of autonomy for the satisfaction of their social, economic, and cultural needs within the general framework of a common ideology. This presupposes the transfer of a greater degree of authority for decision-making from Moscow to the national Communist leaders and the postponement of social and economic goals. In the process, these may themselves be transmuted in their internal application. The alternative to this course is the reapplication of Stalinist maximalism, including the terror. As recent events have clearly shown, this will leave the Soviet Union in military control of an empty shell of states. Under either alternative the course of events will be affected by external policies and attitudes.

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[16] Mao's speech of February 27, 1957 is analyzed by Benjamin Schwartz, "New Trends in Maoism?," *Problems of Communism*, No. 4, Vol. VI, July–August, 1957, pp. 1–5.

CONSTITUTIONAL LAW IN 1957–1958

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There was no change in the personnel of the Supreme Court during the 1957 Term.[1] Nor was there any let-up in attacks upon the Court arising from its recent decisions regarding such touchy subjects as racial segregation in public schools, loyalty programs, the powers of legislative investigating committees, and subversive persons and activities. A great deal of this criticism travelled a pretty low road,[2] but some came from high and responsible sources, such as Learned Hand.[3] Of great weight was a resolution adopted by the annual Conference of (State) Chief Justices on August 24, 1958, by a vote of 36 to 8, which affirmed its faith in traditional federalism and urged the Supreme Court to "exercise one of the greatest of all judicial powers—the power of judicial self-restraint—by recognizing and giving effect to the difference between that which on the one hand, the Constitution may prescribe or permit, and that which, on the other, a majority of the Supreme Court, as from time to time constituted, may deem desirable or undesirable. . . . "[4]

[1] For studies of Justices, past and present, see: Eugene C. Gerhart, *America's Advocate: Robert H. Jackson* (Indianapolis, 1958); Alfons J. Beitzinger, "Chief Justice Taney and the Publication of Court Opinions," *Catholic University of America Law Review*, Vol. 7, pp. 32–36 (January, 1958); John R. Schmidhauser, "Jeremy Bentham, the Contract Clause and Justice John Archibald Campbell," *Vanderbilt Law Review*, Vol. 11, pp. 801–820 (June, 1958); Symposium on Justice John Marshall Harlan, *Kentucky Law Journal*, Vol. 46, pp. 321–474 (Spring, 1958); Alan F. Westin, "Stephen J. Field and the Headnote to O'Neil v. Vermont: A Snapshot of the Fuller Court," *Yale Law Journal*, Vol. 67, pp. 363–383 (January, 1958); Earl Warren, "Chief Justice William Howard Taft," *Yale Law Journal*, Vol. 67, pp. 353–362 (January, 1958); Symposium on Justice Felix Frankfurter, *Yale Law Journal*, Vol. 67, pp. 179–323 (December, 1957); Daniel M. Berman, "Mr. Justice Brennan: A Preliminary Appraisal," *Catholic University of America Law Review*, Vol. 7, pp. 1–15 (January, 1958); Francis P. McQuade and Alexander T. Kardos, "Mr. Justice Brennan and his Legal Philosophy," *Notre Dame Lawyer*, Vol. 33, pp. 321–349 (May, 1958); Marlin M. Volz, "Mr. Justice Whittaker," *Notre Dame Lawyer*, Vol. 33, pp. 159–179 (March, 1958). For other aspects of American constitutional history see: Forrest McDonald, *We the People: The Economic Origins of the Constitution* (Chicago, 1958); Benjamin F. Wright, *Consensus and Continuity, 1776–1787* (Boston, 1958); S. Sidney Ulmer, "Charles Pinckney: Father of the Constitution," *South Carolina Law Quarterly*, Vol. 10, pp. 225–247 (Winter, 1958); Marion E. Doro, "The Brandeis Brief," *Vanderbilt Law Review*, Vol. 11, pp. 783–799 (June, 1958); Erwin C. Surrency, "The Judiciary Act of 1801," *American Journal of Legal History*, Vol. 2, pp. 53–65 (January, 1958). See generally: Alan F. Westin, *The Anatomy of a Constitutional Law Case* (New York, 1958); Robert E. Cushman, *Leading Constitutional Decisions* (11th ed., New York, 1958); Louis L. Jaffe, "The Right to Judicial Review," *Harvard Law Review*, Vol. 71, pp. 401–437 (January, 1958), pp. 769–814 (March, 1958); Lucius J. Barker, "The Offshore Oil Controversy since 1953," *Wisconsin Law Review*, Vol. 1958, pp. 107–127 (January, 1958).

[2] See, *e.g.*, Rosalie M. Gordon, *Nine Men Against America* (New York, 1958).

[3] See Learned Hand, *The Bill of Rights* (Cambridge, 1958), p. 73: "For myself it would be most irksome to be ruled by a bevy of Platonic Guardians, even if I knew how to choose them, which I assuredly do not."

[4] For the full text see *New York Times*, August 24, 1958.

A considerable campaign of reprisal against the Supreme Court was also waged in the second session of the 85th Congress.[5] Several restrictive proposals were approved by the House of Representatives, only to fail in the Senate. Indiana's Senator Jenner introduced a bill, S. 2646, which would have divested the Court of the power to review cases involving acts of Congressional committees, any part of the federal employee loyalty program, state anti-subversion statutes, state school board regulations dealing with subversive activity in the teaching body, or admission to the bar of a state. After strong opposition developed, the proponents of the Jenner bill transferred their support to a substitute offered by Senator Butler of Maryland which would have reversed four recent decisions of the Court without impairing its jurisdiction.[6] It was tabled by a vote of 49 to 41 on August 20.

In addition, several bills were introduced to overrule individual decisions of the Supreme Court. One such, offered by Senator Bridges of New Hampshire, S. 654, and reported favorably by the Senate Judiciary Committee, would have authorized the states to enforce their own anti-subversion legislation, thus nullifying the Court's ruling in the *Nelson* case[7] that Congress had preempted the field. This was defeated late in the session by a vote of 41 to 40. A bill which would have nullified *Cole* v. *Young*[8] by extending the federal loyalty program to non-sensitive positions passed the House on July 10 by a vote of 295 to 46, but its final version, after conference, failed to reach the floor of the Senate. On July 2, by a vote of 294 to 79, the House passed H.R. 11477, which would have nullified the holding of the *Mallory* case[9] by providing that confessions in federal courts should not be regarded as inadmissible merely because there had been undue delay in arraignment. The Senate changed the bill, and following conference and favorable action in the House, it lost in the Senate on a technical point of order. The House also passed H.R. 8361, which would have further limited federal *habeas corpus* for state prisoners, but it never came to a vote in the Senate even though it was endorsed by the Senate Judiciary Committee. Still another bill, S. 4110, was introduced by Senator Green of Rhode Island, Chairman of the Senate Committee on Foreign Relations, at the suggestion of the President, for the purpose of setting aside the restrictions imposed upon the Secretary of State in connection with the granting or denial of passports by the *Kent* case,[10] but no action was taken. The House passed a similar bill on August 23, H.R. 13760, but it was then too late for Senate action.

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[5] See Shelden D. Elliott, "Court-Curbing Proposals in Congress," *Notre Dame Lawyer*, Vol. 33, pp. 597–616 (August, 1958); Symposium, "Moves in Congress to Curb the United States Supreme Court," *Congressional Digest*, Vol. 37, pp. 131–160 (May, 1958); Charles A. Horsky, "Law Day: Some Reflections on Current Proposals to Curtail the Supreme Court," *Minnesota Law Review*, Vol. 42, pp. 1105–1111 (May, 1958); Robert J. Steamer, "Statesmanship or Craftsmanship: Current Conflict over the Supreme Court," *Western Political Quarterly*, Vol. 11, pp. 265–277 (June, 1958); Emanuel Celler, "The Supreme Court Survives a Barrage," *The Reporter*, Vol. 19, pp. 31–33 (November 27, 1958); Philip B. Kurland, "The Supreme Court and Its Literate Critics," *Yale Review*, Vol. 47, pp. 596–599 (June, 1958); Edward McWhinney, "The Great Debate: Activism and Self-Restraint and Current Dilemmas in Judicial Policy-Making," *New York University Law Review*, Vol. 33, pp. 775–795 (June, 1958); Note, "Congressional Reversal of Supreme Court Decisions: 1945–1957," *Harvard Law Review*, Vol. 71, pp. 1324–1337 (May, 1958). For a general appraisal of the Court see: Carl B. Swisher, *The Supreme Court in Modern Role* (New York, 1958).

[6] The decisions which would have been set aside were Cole v. Young, 351 U.S. 536 (1956); Yates v. United States, 354 U.S. 298 (1957); Watkins v. United States, 354 U.S. 178 (1957); Pennsylvania v. Nelson, 350 U.S. 497 (1956).

[7] Cited in note 6, above.

[8] See note 6, above.

[9] Mallory v. United States, 354 U.S. 449 (1957). See James E. Hogan and Joseph M. Snee, "The McNabb-Mallory Rule: Its Rise, Rationale and Rescue," *Georgetown Law Journal*, Vol. 47, pp. 1–46 (Fall, 1958).

The amount of business the Supreme Court completes each Term continues to grow, as it has for the past seven successive years. In all, the Court disposed of 1,765 cases with finality in the 1957 Term, as compared with 1,670 in the previous Term. At the end of the 1957 Term 225 cases remained on the dockets, as compared with 351 the previous year. Cases decided on the merits numbered 319 (as compared with 263 a year ago, and 241 two years ago), of which 149 were by full opinion, the remainder by memorandum order. There were in all 119 opinions of the Court, of which 15 were *per curiam*. Of the full opinions, 30 (or 25 per cent) were agreed to unanimously, and 89 (or 75 per cent) were accompanied by dissent. Of the memorandum orders, 120 (or 88 per cent) were by unanimous vote. In the 1957 Term 93 dissenting opinions were filed in the full opinion cases (as compared with 83 the previous year), and 23 concurring opinions.

Of all the cases disposed of on the merits, 54 came up from the federal district courts by appeal (of which 32 were affirmed, ten reversed, ten vacated and two dismissed); seven from the federal courts of appeal by appeal (of which two were affirmed, one reversed, and four dismissed), and 136 by certiorari (of which 40 were affirmed, 68 reversed, 27 vacated and one remanded); 78 came up from state courts by appeal (of which only five were affirmed, ten reversed, one vacated and 62 dismissed), and 41 by certiorari (of which twelve were affirmed, 23 reversed and six vacated); and three came from specialized federal courts (of which two were reversed and one vacated).

On the appellate docket the Court granted certiorari in 109 cases, or 14 per cent of all petitions (as compared with 20.4 per cent the previous year). On the miscellaneous docket certiorari was granted in 34 cases, or five per cent of all petitions (as compared with 6.1 per cent the previous Term).

Justices Clark and Harlan each wrote 15 opinions of the Court; Justices Brennan and Douglas contributed 13 each; Justice Black wrote 12, Chief Justice Warren 11, Justice Frankfurter ten, Justice Whittaker eight and Justice Burton seven. Justice Douglas was the leading author of dissenting opinions with 20, and Justice Harlan was next with 17. Justice Frankfurter filed 15 dissenting opinions, Justice Clark ten, Chief Justice Warren nine, Justice Whittaker seven, Justice Black, six, Justice Burton five, and Justice Brennan four. In all dispositions, whether by opinion or memorandum order, 280 dissenting votes were cast, of which 42 were by Justice Douglas, 34 each by Justices Burton and Harlan, 33 each by Justices Black and Whittaker, 31 by Chief Justice Warren, 28 each by Justices Clark and Frankfurter, and 17 by Justice Brennan.

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[10] Kent v. Dulles, 357 U.S. 116 (1958).

I. QUESTIONS OF NATIONAL POWER

1. *Separation of Powers: The President's Removal Power*

The Court had ruled in 1926, in *Myers* v. *United States*,[11] that Congress could not constitutionally limit the power of the President to remove a purely executive official he had appointed, such as a postmaster. In the *Humphrey* case,[12] decided in 1935, the Court limited the thrust of the *Myers* decision by holding that Congress could constitutionally qualify the removal power of the Chief Executive with reference to members of the quasi-legislative and quasi-judicial independent agencies, in that instance a member of the Federal Trade Commission. Still left open until 1958 was the question whether the President has a free hand to remove members of the independent agencies where Congress has been silent on the subject. This gap was filled by *Wiener* v. *United States*.[13] In 1948 Congress created a War Claims Commission, the three members of which were to be appointed by the President with the consent of the Senate and to serve for the life of the Commission, but nothing was said about their removal. Wiener had been appointed by President Truman in 1950, but on December 10, 1953, President Eisenhower removed him, giving as his reason that he regarded it in the national interest to complete the administration of the War Claims Act with personnel of his own selection. The President made a recess appointment the following day, and after Congress reassembled the name was sent to the Senate, but the Commission was abolished on July 1, 1954, through a reorganization plan, before the nomination was confirmed. In this posture, the Senate not having confirmed the removal by approving of the replacement, Wiener sued in the Court of Claims for back pay. His petition was dismissed by a divided vote, but the Supreme Court reversed, holding by a unanimous vote that a presidential power to remove members of an independent agency is not to be inferred from the statute merely because Congress said nothing about it.

Speaking for the Court, Justice Frankfurter noted that while Congress had been silent on the subject of the removal of the members of this Commission, in view of the fact that the *Humphrey* case was a *cause celebre*, it may be assumed that the problem of the President's power to remove members of agencies of this sort was "within the lively knowledge of Congress." The *Humphrey* case drew a sharp line between officials in the executive establishment removable by virtue of the President's constitutional powers, and those who are members of a body which is to exercise its judgment without the hindrance of any other official or department of government. For such agencies as the War Claims

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[11] 272 U.S. 52.

[12] Rathbun v. United States, 295 U.S. 602 (1935).

[13] 357 U.S. 349.

Commission the power of the President to remove exists only if Congress conferred it. The most reliable test is the nature of the function that Congress vested in this Commission, and from a study of legislative history and of the nature of its function, the Court concluded that Congress did not intend to make it subject to the control of the Executive. The task of the Commission, the Court held, was intrinsically judicial, since it adjudicated legal claims with finality. In conclusion, then, said Justice Frankfurther, if it can be taken for granted that the Act precluded the President from influencing the Commission in ruling on particular claims, "*a fortiori* must it be inferred that Congress did not wish to have hang over the Commission the Damocles' sword of removal by the President for no reason other than that he preferred to have on that Commission men of his own choosing."

2. *Federal Rights*

The Right to a Passport. As in recent years, the 1957 Term was heavily involved in the disposition of cases involving civil liberties issues.[14] One such issue, relating to the issuance of passports by the State Department, had been litigated often in the lower courts, and finally reached the Supreme Court in 1958. The basic passport statute, first enacted by Congress in 1856, says very little, merely that "the Secretary of State may grant and issue passports . . . under such rules as the President shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify such passports." Pursuant to regulations approved by the President, the Secretary refused to issue passports to the well-known artist, Rockwell Kent, and to Dr. Walter Briehl, a psychiatrist, because they refused to execute an affidavit regarding present or past membership in the Communist Party. A third applicant, Weldon Bruce Dayton, a physicist who wanted to go to India to accept a research position at the Tata Institute, associated with the University of Bombay, did sign an affidavit to the effect that he was not and never had been a member of the Communist Party, but following a departmental hearing the Secretary refused to issue him a passport on the basis of confidential information which linked him to the Rosenberg espionage ring. Dividing 5–4, the Court reversed the lower courts and ruled in favor of the three applicants.[15]

While these cases were disposed of on minimal statutory grounds, the Court noted with approval that the Solicitor General had conceded that "the right to travel is a part of the 'liberty' of which the citizen cannot be deprived without due process of law under the Fifth Amendment." Justice Douglas pointed out that the right was emerging in Anglo-Saxon law at least as early as Magna Carta, that freedom of movement is "part of our heritage," that travel abroad may be necessary for a livelihood, and that freedom of movement also has large social values, for correspondents, lecturers, scientists, scholars, and students, for people seeking marriage or the reunion of families, for visiting friends, and for acquiring an understanding of public issues.

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[14] See: William O. Douglas, *The Right of the People* (New York, 1958); C. Herman Pritchett, *The Political Offender and the Warren Court* (Boston, 1958); John W. Caughey, *In Clear and Present Danger* (Chicago, 1958); Arthur S. Miller, "The Constitutional Law of the 'Security State'," *Stanford Law Review*, Vol. 10, pp. 620–671 (July, 1958); Walter F. Murphy, "Civil Liberties and the Japanese American Cases: A Study in the Uses of *Stare Decisis*," *Western Political Quarterly*, Vol. 11, pp. 3–13 (March, 1958); Gordon D. Henderson, "Courts-Martial and the Constitution: The Original Understanding," *Harvard Law Review*, Vol. 71, pp. 293–324 (December, 1957); Anthony Lewis, "Legislative Apportionment and the Federal Courts," *Harvard Law Review*, Vol. 71, pp. 1057–1098 (April, 1958).

[15] Kent v. Dulles, 357 U.S. 116 (1958); Dayton v. Dulles, 357 U.S. 144 (1958). See: Note, "Passports: At the Brink of the Constitution," *Georgetown Law Journal*, Vol. 47, pp. 142–161 (Fall, 1958).

Nevertheless, the Court was content to hold merely that while the power of the Secretary over passports is expressed in broad terms, it has long been exercised rather narrowly, and that historically he has refused passports only in two categories: (1) where there is a question regarding the citizenship of the applicant which must be resolved; and (2) where the applicant was participating in illegal conduct, and trying to escape the toils of the law. In the three cases under review the grounds for refusal did not relate either to citizenship or unlawful conduct, and in the light of prior administrative practice, the Court held, these are the only grounds which, it can fairly be argued, were adopted by Congress. When Congress revised and enacted the present statute in 1926, administrative practice had jelled only around these two categories. Thus, said Justice Douglas, when in 1952 Congress made a passport necessary for foreign travel, the Court hesitates to impute to Congress an intention to give the Secretary an unbridled discretion to grant or withhold passports for any substantive reason he chooses. Since the right of exit is a personal right included within the "liberty" of the Due Process Clause, if this liberty is to be regulated, then it must be pursuant to the law-making functions of Congress, and if the power is to be delegated, the standards must be adequate to pass scrutiny by accepted tests. And where such a right as this one is involved, all delegated power which tends to curtail it will be construed narrowly. Accordingly, without ruling on any constitutional question, the Court merely held that the statute does not delegate to the Secretary the kind of authority he had exercised in these cases; that any statute which explicitly authorized the Secretary to withhold passports because of the beliefs and associations of the applicants would pose grave constitutional questions; and that in the absence of explicit legislation the Secretary may not employ such a standard to restrict the citizen's right of free movement.

The four dissenting Justices read history differently, arguing that the Secretary's traditional function has been to exercise the passport function in such a manner as to add effectively to the protection of the national security. They also emphasized that this is a time of national emergency, not peace.

The Federal Loyalty Program. A much-discussed aspect of the federal loyalty program was finally adjudicated in *Harmon* v. *Brucker*.[16] Here the Court held that no authority vested in the Secretary of the Army by Congress empowered him to grant a soldier who had a satisfactory service record an other than "honorable" discharge on the basis of pre-induction activities. The lower courts had taken the position that they had no jurisdiction, but the Supreme Court disagreed, holding that "generally, judicial relief is available to one who has been injured by an act of a government official which is in excess of his express or implied powers." On the merits, the Court merely noted that the statute says that the findings of the Army Review Board relating to discharges shall be based upon all available records of the Army, and that the word "records" means "records of military service." Justice Clark dissented alone, arguing that the statute speaks of all available records, and not merely some, and that the Court was giving the Act a "transparently artificial construction." Furthermore, he maintained that never before in our history has any court ever interfered with the exercise of the military function of granting discharge certificates. The statute states that the findings of the Army Review Board shall be "final," subject only to review by the Secretary. The Court's answer was that finality attaches to these administrative decisions only if the administrators had the legal authority to make them.

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[16] 355 U.S. 579 (1958). For a major study see: Ralph S. Brown, *Loyalty and Security* (New Haven, 1958). See also: Jan Z. Krasnowiecki, "Confrontation by Witnesses in Government Employee Security Proceedings," *Notre Dame Lawyer*, Vol. 33, pp. 180–208 (March, 1958).

It is of special interest to note that the office of the Solicitor General, often referred to as the legal conscience of the government, had previously concluded that the Army had no legal authority to give the men involved in this litigation less than honorable discharges. Solicitor General J. Lee Rankin had so informed the Army, but the client refused to take counsel's advice. The Solicitor General agreed to go ahead with the case only to argue the jurisdictional issue; he declined to defend the Army's position on the merits. The Army lawyers prepared their own lengthy brief, but Mr. Rankin declared that he would submit it only with a notation that he did not approve of the part dealing with the merits. The Army gave in, and at the oral argument the Justice Department attorney declared that he saw no valid basis for the Army's discharge policy. The reaction of Justices to this, according to one competent observer, "ranged from astonishment to outrage."[17] Perhaps it should be noted that the State Department has been an equally difficult client for the Solicitor General, since it long pursued a passport policy which Justice regarded as illegal.

Congressional Investigations and the Issue of Pertinency. Sacher, a lawyer, was called to testify before the Internal Security Subcommittee of the Senate Judiciary Committee. The subject matter of the inquiry was the recantation of prior testimony by that distinguished teller of tales, Harvey Matusow. In the course of the proceedings, the questioning wandered off into a discussion of proposed legislation which would bar Communists from practicing at the federal bar. It was in connection with this subject that Sacher was asked and he declined to say whether he was a Communist. Without calling for oral argument, the Court reversed a conviction, holding that the subject was not within the Subcommittee's scope of inquiry as authorized by its parent committee.[18] There was thus no basis, under the *Watkins* rule,[19] for a conviction under a statute which provides for criminal punishment of witnesses before legislative committees who refuse to answer any question pertinent to the subject under inquiry.

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[17] Anthony Lewis, in the *New York Times*, January 20, 1958, p. 24.

Loss of Citizenship: Expatriation. A sharply divided Court disposed of an unusual number of important cases during the 1957 Term dealing with the loss of citizenship. *Perez* v. *Brownell*[20] held 5–4 that Congress has the constitutional power to declare that a native-born American citizen loses his citizenship as a consequence of his voting in a foreign election. The Court majority regarded the statute as a regulation of foreign affairs, as to which Congress must be conceded to have all powers indispensable for dealing effectively and affirmatively with foreign nations. In the light of history it was clear to the Court that in making voting in foreign countries an act of expatriation, Congress was concerned with problems of protection and allegiance, and with the embarrassments to the conduct of foreign affairs which such voting entails. Of course, Congress can decree loss of citizenship only as a consequence of conduct engaged in voluntarily, but Justice Frankfurter declared that it would be a mockery of the Court's decisions to suggest that in order to lose his citizenship a person must have intended or desired to do so. In other words, the power of Congress to terminate citizenship does not depend upon the citizen's assent or consent.

Three of the four dissenters, Chief Justice Warren, and Justices Black and Douglas, took the position that the Fourteenth Amendment literally makes citizenship the constitutional birthright of every person born in the country; and therefore that while citizenship may be relinquished voluntarily, Congress cannot take it away. They argued that the real issue was whether voting in a foreign election invariably involves a dilution of undivided allegiance sufficient to show voluntary abandonment of citizenship: that it may in some situations, as for example where it is necessary first to become a foreign national, but Congress has gone too far in saying that any act of participation in any foreign election supports the inference of a voluntary abandonment of American citizenship. Justice Whittaker agreed with the majority that Congress may expatriate a citizen for an act which it may reasonably find to be fraught with the danger of embroiling our government in international disputes, or of embarrassing the conduct of foreign relations, but he thought the statute in question was too broadly written, since it extended to any voting in any foreign election.

On the other hand, and again by a 5–4 vote, the Court held in *Trop* v. *Dulles*,[21] that Congress went too far in providing[22] that any citizen, whether by birth or naturalization, loses his citizenship if he deserts the armed forces in time of war and has been convicted by a court martial and dishonorably discharged. Speaking for four Justices, the Chief Justice pointed out that since the military authorities have complete discretion whether to issue a dishonorable discharge and whether to readmit the culprit to military service, thus restoring citizenship, the statute makes the military authorities the arbiters of citizenship. He also explained that conviction for desertion is by no means rare, that all it means is absence from duty plus the intention not to return, and that it covers a wide range of conduct prompted by many motives, such as fear, laziness, hysteria or emotional unbalance.[23] The offense may occur not only in combat, but even in training camps. In the Army alone, during World War II, there had been some 21,000 convictions for desertion, and 7,000 were actually separated from the service and thus rendered stateless. The Chief Justice argued that even though desertion in wartime may merit the ultimate penalty, it does not necessarily signify allegiance to a foreign state; the statute was not limited to desertion to the enemy, and there was no such element in Trop's case. "Citizenship," he asserted, "is not a license that expires upon misbehavior." But even if one accepts as the premise the rule of the *Perez* case, that citizenship may be divested in the exercise of some governmental power, the action taken in this case was unconstitutional. Plainly, said the Chief Justice, this is a penal statute, and denationalization is inflicted as punishment. The purpose of taking away citizenship from a convicted deserter is simply to punish him; it is not even claimed that his denationalization is a means of solving international problems. Viewed in this light, the Chief Justice held this to be a cruel and unusual punishment forbidden by the Eighth Amendment. Conceding that the offense may be punished by the death penalty, he still thought this did not authorize the government to devise any punishment short of death within the limit of its imagination. "The basic concept underlying the Eighth Amendment" said the Chief Justice, "is nothing less than the dignity of man." The power to punish must be exercised within the limits of civilized standards, and denationalization means "the total destruction of the individual's status in organized society," a punishment more primitive than torture. The expatriate loses "the right to have rights."

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[18] Sacher v. United States, 356 U.S. 576 (1958). See: Comment, "Constitutional Limitations upon Congressional Investigations," *UCLA Law Review*, Vol. 5, pp. 645–663 (July, 1958).

[19] Watkins v. United States, 354 U.S. 178 (1957). See this REVIEW, vol. 52, pp. 146–148 (March, 1958).

[20] 356 U.S. 44 (1958). See Comment, "Citizenship—Power of Congress to Effect Involuntary Expatriation," *Michigan Law Review*, Vol. 56, pp. 1142–1167 (May, 1958).

[21] 356 U.S. 86 (1958).

Speaking for the four dissenters, Justice Frankfurter insisted that the underlying issue is a matter of policy for Congress to decide, that it is within allowable legislative judgment to deal so severely with the problem of wartime desertion, and that like denaturalization, expatriation is not "punishment" in any valid constitutional sense. But even assuming that it is punishment, it is not contrary to the Eighth Amendment, he argued, since no punishment can possibly be worse than death.

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[22] §401(g) of the Nationality Act of 1940, 8 U.S.C. §1481(a) (8).

[23] See Alfred Avins, *The Law of AWOL* (New York, 1957).

In *Nishikawa* v. *Dulles*[24] the Court underscored the proposition that no conduct results in expatriation unless the conduct is engaged in voluntarily, and that the burden is upon the government to prove that an act shows expatriation by "clear, convincing and unequivocal" evidence. Born in California, Nishikawa was also considered a citizen of Japan under Japanese law because of the nationality of his parents. He was studying in Japan when the war broke out, and was inducted into the Japanese army. The State Department took the position that he had forfeited his American citizenship by serving in the Japanese army, and he brought suit for a declaratory judgment. At his trial he testified that he had been inducted under a compulsory service law, that he had not protested to the American Embassy or Consulate because a friend had told him that the American authorities would not help him, and that he was afraid to protest because of fear of the brutality of the Japanese secret police. After hearing this testimony, the district judge simply announced that he did not believe it, and concluded that Nishikawa's entry into the Japanese army had been a free and voluntary act. Noting the drastic nature of the consequences of denationalization, the Supreme Court held that the government had failed in this instance to carry the burden of proof, for Congress had not intended to create a conclusive presumption of voluntariness in cases involving dual nationals under these facts. It is not enough for the judge to say merely that he does not believe the petitioner's story. Justices Black and Douglas concurred separately to argue that insofar as the statute creates involuntary expatriation, it is unconstitutional. Justices Frankfurter and Burton, also concurring, thought that the government ought to have a further opportunity to bring forward the necessary proof, if it is able to do so. Justices Harlan and Clark dissented, arguing that the issue is mainly one of credibility, as to which the trial court's findings should not normally be disturbed, and that the general rule is that consciously performed acts are presumed to be voluntary.

Loss of Citizenship: Denaturalization. Nowak entered the United States at the age of ten in 1913, and was naturalized in 1938. In 1952 the government brought a denaturalization suit on the grounds of fraud and illegal procurement. When naturalized, Nowak had been asked whether he believed in anarchy, and the same question also asked whether he belonged to an association which taught or advocated anarchy or the overthrow of government. Though a member of the Communist Party at the time, he answered "no" to both parts of the question. The Court held, 6–3, that on these facts fraud had not been proved.[25] It took the position that Nowak could reasonably have interpreted the question as dealing with anarchy alone, and as such it had been answered truthfully. The issue of illegal procurement turned on the government's assertion that during the five years preceding his naturalization Nowak had not been "attached" to the principles of the Constitution. On this point the Court held that the government had failed to prove that Nowak knew of the Communist Party's advocacy of force, and that the fact that he had been an active member and Party functionary does not establish this vital link in the government's chain of proofs. At no point in the record was it found that Nowak had himself advocated action for the violent overthrow of government or even understood that the Communist Party took this position. Especially when the attack upon citizenship is made many years after the certificate was granted, and the citizen has since been well behaved, must the government be held to a strict standard of proof. The three dissenting Justices argued that the issues were factual in nature, that the facts amply supported the conclusions of the lower courts, and that on such issues the findings of two lower courts should not be set aside.

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[24] 356 U.S. 129 (1958).

[25] Nowak v. United States, 356 U.S. 660 (1958). A similar conclusion was reached in a companion case, Maisenberg v. United States, 356 U.S. 670 (1958), on about the same facts. In Matles v. United States, 356 U.S. 256 (1958), the Court held that an affidavit showing good cause is a prerequisite to the initiation of denaturalization proceedings.

Deportation. An alien named Rowoldt was ordered deported under Section 22 of the Internal Security Act of 1950 because of past membership in the Communist Party. On appeal, his only allegation was that he had not been a "member" of the Communist Party within the meaning of the statute. Rowoldt had entered the country in 1914. Testifying before an immigration inspector in 1947, he had said that he had joined the Communist Party in 1935, and remained in it for about a year. He said he paid dues and attended meetings. He also testified that he had joined the Party to fight for bread, that he did not join because he was dissatisfied with democracy, that he had never had anything to do with overthrowing anything, and that he had never advocated violence or force to change the government. By a 5–4 vote the Court decided that Rowoldt did not fall within the statute.[26] It was asserted that there must be a substantial basis for the finding that an alien had committed himself to the Communist Party in the consciousness that he was joining an organization which operates as an active political organization, and that solidity of proof is required for a judgment entailing deportation, especially in the case of an old man who has lived in this country for 40 years. The Court ruled that the unchallenged account given by Rowoldt of his relations with the Communist Party did not establish the kind of meaningful association required by the statute, and that indeed his main impulse may have been without any political implications at all. The four dissenters felt that while the effort of the majority "to find a way out from the rigors of a severe statute has alluring appeal," this was done by taking "impermissible liberties" with both the statute and the record.

Freedom of Speech: Censorship. While in 1957, in *Roth* v. *United States*,[27] the Supreme Court sustained the constitutionality of both state and federal laws which forbid traffic in obscene publications, the Court made it abundantly clear during the past Term that government was not given a blank check in this area. In three unanimous *per curiam* decisions the Court set aside convictions in cases involving nudist magazines[28] and a magazine devoted to the subject of homosexuality,[29] in each instance on the authority of the *Roth* case. The barriers to censorship spelled out in the *Roth* case are apparently quite substantial. A similar decision was reached in a case involving the censorship of films.[30]

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[26] Rowoldt v. Perfetto, 355 U.S. 115 (1957). See Edith Lowenstein, ed., *The Alien and the Immigration Law* (New York, 1958).

[27] 354 U.S. 476 (1957). See this REVIEW, Vol. 52, pp. 172–176 (March, 1958).

Double Jeopardy In the course of a trial for conspiring to violate the Smith Act, one of the defendants, Yates, refused to answer questions on cross-examination concerning membership of other people in the Communist Party. The district judge held Yates to be guilty of civil contempt and committed her to jail until she should purge herself by answering the questions. She remained in confinement for the rest of the trial. Four days after her refusal, and still on cross-examination, she declined to answer eleven more similar questions, and the judge announced that when the case was completed he would treat these refusals to reply as criminal contempts under Rule 42(a). Yates was found guilty, and in addition to a five-year sentence on the conspiracy charge, she was sentenced to a year in prison for each of the eleven criminal contempts, these sentences to run concurrently, following completion of the five-year sentence. Dividing 6–3, the Court held that the eleven one-year sentences were not imposed to coerce answers, which cannot be done after a trial has ended, but rather to punish the contemnor in vindication of the authority of the court.[31] The imposition of the earlier civil sentence was not a barrier to criminal punishment for refusing to answer the second batch of questions, the Court ruled, because the two sentences serve distinct purposes: one is designed to coerce answers from the witness, the other is punitive. There is thus no double jeopardy problem. Justice Douglas, with whom Chief Justice Warren and Justice Black agreed, dissented, describing this case as "a shocking instance of the abuse of judicial authority," wholly without precedent. He thought this was a transparent attempt to multiply offenses.[32]

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[28] Mounce v. United States, 355 U.S. 180 (1957). (In this case the Solicitor General had confessed error.) Sunshine Book Co. v. Summerfield, 355 U.S. 372 (1958).

[29] One, Inc. v. Olesen, 355 U.S. 371 (1958).

[30] Times Film Corp. v. Chicago, 355 U.S. 35 (1957). On censorship problems see: Harold C. Gardiner, *Catholic Viewpoint on Censorship* (Garden City, N.Y., 1958); J. C. N. Paul and M. L. Schwartz, "Obscenity in the Mails: A Comment on Some Problems of Federal Censorship," *University of Pennsylvania Law Review*, Vol. 106, pp. 214–253 (December, 1957); Philip M. Carden, "The Supreme Court and Obscenity," *Vanderbilt Law Review*, Vol. 11, pp. 585–598 (March, 1958); Note, "Entertainment: Public Pressures and the Law," *Harvard Law Review*, Vol. 71, pp. 326–367 (December, 1957).

[31] Yates v. United States, 355 U.S. 66 (1957).

[32] The original decision of the Court, arrived at in November, 1957, remanded the case to the district court for resentencing, since the Court affirmed the contempt conviction only on the first specification, and vacated the other ten. The District Court resentenced Yates to one year's imprisonment, and the Court of Appeals affirmed, though it noted that the sentence was severe. In May, 1958, the Supreme Court reversed and reduced the sentence to the seven months already served, acting in its capacity as supervisor of the administration of justice in the federal courts. Yates v. United States, 356 U.S. 363 (1958). Three Justices dissented.

An important double jeopardy issue was disposed of by a 5–4 vote of the Court in *Green* v. *United States*.[33] Following a plea of not guilty, Green was tried by a jury for the offense of causing a death by arson. The judge instructed the jury that it could find the defendant guilty of either first or second degree murder, treating second degree murder as an offense included within the language of the indictment charging first degree murder. The jury found Green guilty of second degree murder, the verdict being wholly silent on the first degree murder charge. Green appealed, and the Court of Appeals reversed the conviction on evidentiary grounds, and remanded the case for a new trial. On the remand Green was again tried for first degree murder under the original indictment, and this time a new jury found him guilty of first degree murder and he was given the mandatory death sentence. He had raised at the outset the defense of former jeopardy, but the court overruled his plea. Sitting *en banc* the Court of Appeals also rejected his defense of former jeopardy, by a 6–3 vote, relying on the well-known precedent, *Trono* v. *United States*.[34] A bare majority of the Supreme Court reversed the Court of Appeals, holding that the second trial for first degree murder placed Green in jeopardy twice for the same offense. Justice Black pointed out that most courts in this country would hold that the first jury's verdict was an implicit acquittal on the first degree murder charge. The Court rejected the argument that Green waived his constitutional defense of former jeopardy by making the successful appeal from the first conviction for second degree murder, arguing that the idea of waiver in this instance was wholly fictional, since waiver normally implies a voluntary, knowing relinquishment of a right. The Court also rejected as "untenable" the alternative argument that by appealing Green had prolonged his original jeopardy. For, since Green had not been convicted of first degree murder, that offense was not involved in the appeal. The government's contention was characterized as saying that a defendant must be willing to barter his constitutional protection against a second prosecution for an offense punishable by death as the price of a successful appeal from an erroneous conviction for a lesser offense. This, said Justice Black, puts the man in "an incredible dilemma," and is plainly in conflict with the constitutional bar against double jeopardy. The *Trono* decision was limited to its "peculiar factual setting," and it was noted that it had been decided by a 5–4 vote, and that in fact Justice Holmes had concurred separately on a different theory. Actually, the *Trono* decision, which had been contrary to the weight of contemporary judicial opinion in the states,[35] was overruled.

The four dissenting Justices argued that Green's case was indeed governed by *Trono*, and that the majority was in fact overruling the old and controlling precedent on this subject. On the merits Justice Frankfurter found that of 36 states that have considered the question, 19 permit retrial for the greater offense.

In *Gore* v. *United States*,[36] again dividing 5–4, the Court rejected another claim to the protection of the Double Jeopardy Clause. Gore was indicted and convicted of three different crimes, arising from a single transaction of vending narcotics, but separately described by statute: (1) selling drugs not in pursuance of a written order; (2) selling and distributing drugs not in the original stamped package; (3) selling drugs with the knowledge they had been imported unlawfully. The Court of Appeals affirmed the conviction on the strength of the prevailing precedent, *Blockburger* v. *United States,*[37] and a bare majority of the Supreme Court agreed to adhere to this case. Characteristically, Justice Frankfurter pointed out that *Blockburger* had been decided by a unanimous Court which included Justices Brandeis, Butler and Roberts, men who were conspicuous for their alertness in safeguarding the interests of defendants in criminal cases. The purpose of Congress, he argued, was to wage war against the illicit drug traffic, and the three penal laws which Gore had violated were different in time, origin and design, each embodying a different approach to the problem. Furthermore, he stated, unlike due process, which is an evolving concept, the double jeopardy concept is rooted in a long course of adjudication which carries impressive authority. Basically, this case presents an issue of penology, and questions regarding the severity of punishment, Justice Frankfurter insisted, are peculiarly questions of legislative policy. Chief Justice Warren filed a dissenting opinion which argued that the purpose of the three statutes was merely to make sure that a prosecutor had three avenues by which to go after a violator. Justices Douglas and Black wanted to overrule *Blockburger* and Justice Brennan maintained that even if *Blockburger* stands, the test there adopted was whether each provision requires proof of a fact which the others do not.

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[33] 355 U.S. 184 (1957).

[34] 199 U.S. 521 (1905).

[35] See David Fellman, *The Defendant's Rights* (New York, 1958), p. 194.

[36] 357 U.S. 386 (1958).

Self-Incrimination. Dividing 5–4, the Court ruled in *Brown* v. *United States*[38] that where a person involved in a denaturalization proceeding voluntarily takes the stand and testifies in his own behalf regarding his beliefs, activities and memberships, he has abandoned the privilege not to testify on grounds of self-incrimination when the government asks questions about membership in the Communist Party on cross-examination. The Court held that if the witness is a party, he determines the area of disclosure and therefore of inquiry; he has the choice of weighing the advantages of the privilege against the advantages of putting forward his version of the facts. If he elects to give testimony he has no immunity from cross-examination on the matters he himself has put in dispute. Justices Black, Warren and Douglas regarded this as another erosion of the privilege, and expressed opposition to extending the waiver rule of criminal cases, which at best has long been debatable, to civil proceedings. Justice Brennan dissented on the theory that the trial judge had incorrectly informed the witness that he had waived his privilege by the simple act of taking the stand, arguing that this is derived from criminal cases and has no application in civil cases.

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[37] 284 U.S. 299 (1932).

[38] 356 U.S. 148 (1958). See: J. A. C. Grant, "Federalism and Self-Incrimination," *UCLA Law Review*, Vol. 5, pp. 1–25 (January, 1958); George Horowitz, "The Privilege against Self-Incrimination," *Temple Law Quarterly*, Vol. 31, pp. 121–144 (Winter, 1958); Note, "Self-Incrimination by Federal Grand Jury Witnesses: Uniform Protection Advocated," *Yale Law Journal*, Vol. 67, pp. 1270–1287 (June, 1958); Daniel H. Pollitt, "The Fifth Amendment Plea before Congressional Committees Investigating Subversion: Motives and Justifiable Presumptions—A Survey of 120 Witnesses," *University of Pennsylvania Law Review*, Vol. 106, pp. 1117–1137 (June, 1958); John A. Kemp, "The Background of the Fifth Amendment in English Law: A Study of its Historical Implications," *William and Mary Law Review*, Vol. 1, pp. 247–286 (No. 2, 1958).

Searches and Seizures. Three cases in the 1957 Term dealt with the definition of unlawful searches and seizures by federal officials. One held that it has been the law since at least 1603 that before an officer is permitted to break down the door of a house to effect an arrest, he must first state his authority and purpose in demanding admission.[39] The rule holds whether the arrest is made with or without a warrant, and it applies to bad as well as good people. A second case applied the settled doctrine that probable cause for belief that certain articles subject to seizure are in a dwelling does not of itself justify a search without a warrant.[40] The third case held that a warrant of arrest is insufficient if it did no more than merely recite the elements of the crime charged.[41] The main point with regard to both arrest and search warrants is that a neutral and detached magistrate, not the policeman, shall judge the persuasiveness of the facts relied on by the complaining officer, and therefore the magistrate must have the facts before him, and not the complainant's mere conclusion. Justices Burton and Clark dissented in all three cases, and Justice Whittaker joined them in the third.

Wiretapping. Benanti was convicted in a federal district court for illegal possession and transportation of unstamped distilled spirits, on the basis of evidence supplied by state police who had discovered the evidence as a result of their tapping telephone wires. Without reaching any constitutional question the Court held, by unanimous vote, that this evidence was inadmissible under Section 605 of the Federal Communications Act.[42] The Court thought that this case fell within the scope of the holding of the two *Nardone* cases,[43] which laid down the rule that evidence obtained from wiretapping is inadmissible in federal courts. The *Nardone* rule was designed to protect "the integrity of a system of telephonic communication," and the principle applies whether the evidence was secured by state or federal agents. The *Schwartz* case[44] was distinguished since it dealt with the admissibility in a state court of evidence obtained by state agents, and all the Court held was that Congress did not intend to thwart a state rule of evidence. The Court rejected the argument that since Section 605 is general in its terms, it should not be construed to apply to state officials, and argued that if Congress had intended to allow the states to make exceptions to the broad policy involved, it would have said so. But in another case[45] the

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[39] Miller v. United States, 357 U.S. 301 (1958).

[40] Jones v. United States, 357 U.S. 493 (1958).

[41] Giordenello v. United States, 357 U.S. 480 (1958).

[42] Benanti v. United States, 355 U.S. 96 (1957).

[43] Nardone v. United States, 302 U.S. 379 (1937); 308 U.S. 338 (1939).

[44] Schwartz v. Texas, 344 U.S. 199 (1952).

[45] Rathbun v. United States, 355 U.S. 107 (1957). See Edwin J. Bradley and James E. Hogan, "Wiretapping: From Nardone to Benanti and Rathbun," *Georgetown Law Journal*, Vol. 46, pp. 418–442 (Spring, 1958).

Court ruled that listening in on a conversation on a telephone extension was not wiretapping, but merely a form of eavesdropping. The eavesdropper has not intercepted the message, and this is one essential element of the offense under Section 605. Justices Frankfurter and Douglas dissented.

Indictment. Having been convicted of evading payment of federal income taxes, Lawn argued on appeal that he had been denied due process because the district court had refused to conduct a full-dress hearing to determine whether testimony or documents obtained from him in a prior grand jury investigation, or evidence derived from leads and clues furnished thereby, were considered by the grand jury that had returned the indictment. The previous indictment had been dismissed by the court because Lawn had not been warned of his constitutional privilege against self-incrimination. The Court ruled that Lawn had no reason other than suspicion to believe that the second grand jury considered any of the materials produced before the earlier one, and thus failed to lay a foundation for holding a protracted preliminary hearing.[46] Furthermore, the Court noted that it had ruled several times "that an indictment returned by a legally constituted nonbiased grand jury, like an information drawn by a prosecutor, if valid on its face, is enough to call for a trial of the charge on the merits and satisfied the requirements of the Fifth Amendment." It had been ruled a long time ago that an indictment is not bad because incompetent evidence of an admission by the accused had been used,[47] and the recent *Costello* case[48] held valid an indictment that was based entirely upon hearsay evidence. In short, there is no right to have a preliminary trial on the competency and adequacy of the evidence before the grand jury.

Entrapment. A recurring problem of criminal justice, that of entrapment, was reviewed by the Court at some length in *Sherman* v. *United States.*[49] Sherman had been convicted of selling narcotics and given a ten year sentence. The Court concluded, on the record, that an agent of the federal government had induced Sherman to take part in illegal transactions in which he would not otherwise have engaged. The defense of entrapment was firmly recognized by the Supreme Court some years ago in the *Sorrells* case.[50] Its view is that Congress does not intend that its statutes should be enforced by tempting innocent persons to commit violations. Said Chief Justice Warren: "The function of law enforcement is the prevention of crime and the apprehension of criminals. Manifestly, that function does not include the manufacturing of crime." But it was noted that the mere fact that government agents afford opportunities or facilities for the commission of the offense is not entrapment. Entrapment occurs only when the criminal conduct was the product of the creative activity of law-enforcement officials. Speaking for four members of the Court, Justice Frankfurter filed a concurring opinion to stress that if the accused is to be relieved of punishment, it is not because he is innocent, but because even if guilty the methods used by the government cannot be countenanced. The great value at stake is "public confidence in the fair and honorable administration of justice." Thus the key to the issue is the conduct of the police, not the character and predisposition of the accused.[51]

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[46] Lawn v. United States, 355 U.S. 339 (1958).

[47] Holt v. United States, 218 U.S. 245 (1910).

[48] Costello v. United States, 350 U.S. 359 (1956).

[49] 356 U.S. 369 (1958).

[50] Sorrells v. United States, 287 U.S. 435 (1932).

Substantive Due Process. Important aspects of the great Central Valley Project in California were litigated in *Ivanhoe Irrigation District* v. *McCracken.*[52] The Supreme Court of California had refused to confirm certain contracts entered into between two state irrigation districts and a water agency, on the one hand, and the United States on the other. The state court challenged two conditions attached to the contracts. The first was that no right to the use of water shall be sold for lands in excess of 160 acres in single ownership. The second required repayment to the United States, in forty years without interest, of funds expended in construction of reclamation works, with the Secretary of the Interior authorized to furnish water at appropriate rates for irrigation. By unanimous vote the Supreme Court held the contracts valid, rejecting due process and equal protection objections. It had no doubt of the federal government's general authority, arising from the General Welfare Clause and Article IV, Section 3, relating to the management and disposal of federal property, to establish these water projects. It is beyond challenge, the Court ruled, that the federal government has the power to impose reasonable conditions on the use of federal funds, property and privileges. Conversely, the Supremacy Clause will not permit a state to compel use of federal property on terms other than those prescribed or authorized by Congress. It can hardly be said, Justice Clark pointed out, that it is lack of due process for the government to regulate that which it subsidizes. The conditions, and particularly that prescribing the 160-acre limitation, were found to be reasonable. With respect to the acreage limitation, the Court noted that the project was designed to benefit people, not land, that it was a reasonable classification since it helps the greatest possible number of people, and that it limits the use of the federal program for speculative purposes.

Eminent Domain: Compensable Taking. In 1942, in the interest of national defense, the War Production Board issued a limitation order requiring nonessential gold mines to close down. The Board did not take physical possession of the mines, and did not require the owners to dispose of any equipment. The Court ruled that this was not a compensable taking within the meaning of the Fifth Amendment.[53] Justice Burton noted that the mere fact that a regulation deprives the property owner of the most profitable use of his property is not necessarily enough to establish the owner's right to compensation. Especially has the Court been reluctant to find that degree of regulation in the context of war. Said Justice Burton: "The reasons are plain. War, particularly in modern times, demands the strict regulation of nearly all resources. It makes demands which otherwise would be insufferable. But wartime economic restrictions, temporary in character, are insignificant when compared to the widespread uncompensated loss of life and freedom of action which war traditionally demands." He concluded that the Board's regulations had been reasonable, and that the damage to the owners was incidental to the lawful exercise of war powers. Justice Harlan thought that this was a compensable taking, pointing out that this was the only industry shut down during the war.

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[51] The Court majority declined to rule on the question whether the factual issue of entrapment should be decided by the judge or the jury on the ground that it had not been argued; the four concurring Justices thought that the Court ought to rule squarely that this is a question for the court, not the jury. In a companion case, Masciale v. United States, 356 U.S. 386 (1958), the Court affirmed a conviction where the issue of entrapment had gone to the jury. Again a bare majority of the Court held that whether the issue is for the judge or the jury was never raised by the parties. Four Justices dissented, arguing that the trial court should itself have ruled on the issue of entrapment, and not left it to the jury; they would have remanded to the district court for determination of this issue.

[52] 357 U.S. 275 (1958).

[53] United States v. Central Eureka Mining Co., 357 U.S. 155 (1958).

3. *The Federal Commerce Power*

A recurring problem in interstate commerce came to the Court when the Public Service Commission of Utah brought an action in the federal district court to set aside an order of the Interstate Commerce Commission which increased intrastate freight rates to the general level of interstate rates for railroads operating in Utah. The ICC had raised national rates by 15 percent, and when the railroads failed to get a like increase for intrastate rates they went to the ICC for relief. The Utah Commission's main contention was that the evidence before the ICC was insufficient to support the ultimate finding that existing local rates caused "undue, unreasonable, and unjust discrimination against interstate commerce." Dividing 5–4, the Court held that the basic findings of the ICC lacked sufficient support in the evidence.[54] Said Justice Clark: "Intrastate transportation is primarily the concern of the State. Federal power exists in this area only when intrastate tariffs are so low that an undue or unreasonable advantage, preference, or prejudice is created as between persons or localities in intrastate commerce on the one hand and interstate commerce on the other, or when those rates cast an undue burden on interstate commerce. Proof of such must meet 'a high standard of certainty,' . . . before a state rate can be nullified . . . ." The Court concluded from an examination of the evidence that it did not meet the exacting standards of prior cases. For example, it was noted that there was no evidence on the relative cost of intrastate traffic, and that it is insufficient to show merely that interstate rates are higher. The Court majority declared that rate uniformity is not necessarily the goal of federal regulation, and that the ICC's wishful thinking is no substitute for substantial evidence. Speaking for the four dissenters, Justice Frankfurter reviewed exhaustively the statutory and case history of the problem at hand, arguing that no single formula is possible for its solution. He declared that the Court should not interpose insurmountable obstacles to the effective regulation of the national transportation system, responsibility for which rests mainly with the ICC.

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[54] Public Service Commission of Utah v. United States, 356 U.S. 421 (1958).

4. *Federal Judicial Power*

FELA and Jones Act Cases. It was apparent in the 1957 Term, in spite of Justice Frankfurter's repeated and powerfully reasoned objections, that the Court was not prepared to abandon its certiorari policy in FELA and Jones Act cases.[55] It reversed several state supreme courts in FELA cases where the sole issue was the sufficiency of the evidence to sustain jury findings on the question of employer negligence.[56] Two Jones Act cases merely involved factual questions regarding coverage.[57] In all these cases Justice Frankfurter insisted that certiorari had been granted improvidently, and several dissents were entered on the merits. One Jones Act case, however, did involve a substantial legal issue, the Court ruling 5–4 that the statute went beyond general tort doctrine, since Congress intended to provide the same measure of liberal recovery for injured maritime workers that is available to railroad workers under FELA.[58] The minority protested that the Court's reading of FELA and the Jones Act tended to make employers virtual insurers of the safety of their employees, and that Congress had not legislated in terms of absolute liability. Specifically the Court ruled in this case that the employer's violation of a Coast Guard regulation dealing with navigation and designed to prevent collisions would support a finding of negligence where no collision had occurred. The lower courts had applied the general tort doctrine that there can be liability for the violation of a statutory duty only where the injury is one which the statute was designed to prevent. The Court had repeatedly refused to apply this doctrine to FELA cases, and the Jones Act specifically incorporates FELA standards as regards employer liability.

Criminal Contempts. After the top eleven Communists were convicted in 1949, in the *Dennis* case, of violating the Smith Act, and each was sentenced to five years in jail, they all remained free on bail until their appeals were adjudicated. Two of these defendants failed to appear in court when the surrender order was signed, and remained fugitives for more than four and a half years. Finally they both surrendered voluntarily early in 1956. The government then brought criminal contempt proceedings in the district court for willful disobedience of the surrender order, charging violation of 18 USC §401, which, among other things, gives the court power to punish for contempt "disobedience or resistance to its lawful . . . order." Under Rule 42(b) of the Federal Rules of Criminal Procedure, these two men were tried before the court without a jury, and after a hearing, were found guilty of contempt and sentenced to three-year jail terms, to be served after the five-year sentences for conspiracy had been completed. Dividing 5–4, the Court affirmed in *Green* v. *United States*,[59] with Justice Harlan speaking for the majority.

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[55] See: James C. Conner, "Supreme Court Certiorari Policy and the Federal Employers' Liability Act," *Cornell Law Quarterly*, Vol. 43, pp. 451–468 (Spring, 1958); this Review, Vol. 52, pp. 166–167 (March, 1958).

[56] Gibson v. Thompson, 355 U.S. 18 (1957) (railroad engineer, while walking to his engine, slipped upon loose gravel on the surface of the railroad yard); Honeycutt v. Wabash R. Co., 355 U.S. 424 (1958) (employee, working under a railroad car with a rivet gun, struck on forehead by a metal clip); Ferguson v. St. Louis-San Francisco R. Co., 356 U.S. 41 (1958) (employee stepping backward fell into a ditch); Stinson v. Atlantic Coast Line R. Co., 355 U.S. 62 (1957) (body of deceased employee found on the track after the train had been moved).

[57] Grimes v. Raymond Concrete Pile Co., 356 U.S. 252 (1958) (employee worked as a pile driver); Butler v. Whiteman, 356 U.S. 271 (1958) (deceased was a wharf employee). See also Palermo v. Luckenbach Steamship Co., 355 U.S. 20 (1957), involving the adequacy of the judge's instructions in a maritime tort case.

[58] Kernan v. American Dredging Co., 355 U.S. 426 (1958).

First, the Court held that the trial court's criminal contempt power extends to the surrender order, since it was a lawful order within the meaning of the statute. It was noted that federal courts have had the authority to punish violations of their own orders under their contempt powers ever since the Judiciary Act of 1789. The Court could find no policy reason for holding otherwise, pointing out that Congress did not make bail-jumping a crime until 1954 (18 USC §3146). The Court also concluded that the evidence was sufficient to support the contempt convictions. Secondly, the Court ruled that as a matter of law a prison sentence for criminal contempt may exceed one year, pointing to a number of cases in the past where the sentence exceeded a year. The Court rejected the argument that if a criminal contempt is subject to a three-year jail sentence, then it is an infamous crime within the meaning of the Fifth Amendment, thus requiring indictment by grand jury. Justice Harlan argued that it had been established by a long and unbroken line of decisions of the Court that criminal contempts are not subject to jury trial as a matter of constitutional right, and that this has always been the view of Congress as well. Criminal contempts have always had a unique character under the Constitution, Justice Harlan said, and have always differed from the usual statutory crime under federal law. Finally, the Court ruled that the three-year sentences were not an abuse of discretion on the part of the district court. To be sure, said Justice Harlan, where Congress has not seen fit to impose limitations on the sentencing power, the district courts have a special duty to exercise such an extraordinary power with the utmost sense of responsibility and circumspection, and the court's discretion is by no means an unbridled one. But in this instance it felt that by any standards the contempt had been a "most egregious" one, and it was noted that the bail-jumping statute provides for a maximum punishment of five years' imprisonment.

In the principal dissenting opinion Justice Black took the position that the power of the judge to punish for criminal contempt in a summary proceeding is an anomaly of the law, and that it was time for a fundamental reconsideration of its validity. He maintained that the appellants were entitled to indictment by grand jury and trial by jury, and that the precedents to the contrary should be set aside, noting that the rule of *stare decisis* is less compelling in the constitutional law field than in other fields. His principal objection to the contempt procedure was that the judge is at the same time the prosecutor and the jury, sitting in judgment of his own cause. Judges too are human, he said, and no official should have such "autocratic omnipotence." The offense itself, he argued, is the most elastic in the law, the procedures are the harshest, review of a cold record is largely impotent, and there are no limits to the punishments. By every test of reason and history, he urged, criminal contempt is a crime. Indeed, Justice Black maintained that recent scholarship shows that before the seventeenth century, the English courts did not have this power, and that it came in later as a corruption from Star Chamber. He said that while the contempt power began modestly enough, it has become swollen and is now used for all sorts of purposes, so that it is now a device for by-passing constitutional safeguards. He noted that the Founding Fathers were strongly committed to trial by jury, and he did not believe that the Constitution was designed to perpetuate every arbitrary practice then tolerated in England. It was never intended to adopt the common law wholesale. Finally, Justice Black felt that this power was not necessary, and merely reflects a lack of respect for jury trial, one of the most valuable of all rights.

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[59] 356 U.S. 165 (1958). See: Walter F. Murphy, "The Contempt Power of the Federal Courts," *Federal Bar Journal*, Vol. 18, pp. 34–55 (January–March, 1958); Howard Schneider, "The Civil Rights Act of 1957 and Contempt of Court," *Cornell Law Quarterly*, Vol. 43, pp. 661–678 (Summer, 1958).

Diversity and Federal Question Jurisdiction. In the act of July 25, 1958,[60] Congress made some important changes in the legislation which controls the jurisdiction of the federal district courts. Congress has always limited access to their diversity jurisdiction, which dates from 1789, by prescribing the minimum amount that must be in controversy. The Judiciary Act of 1789 fixed the amount at $500; it was reduced to $400 in 1801 and restored to $500 in 1802; after being increased to $2,000 in 1887, the Judicial Code of 1911 fixed the amount at $3,000. Now, following approval of the Judicial Conference of the United States,[61] the jurisdictional amount was raised to $10,000. At the same time, the limit for the general federal question jurisdiction of the United States district courts (which dates only from 1875, with the exception of 1801–1802) was also raised from $3,000 to $10,000. Since most federal question cases are covered by special statutes, which do not stipulate any jurisdictional limit, this raising of the sum which must be involved will affect only a small number of Jones Act cases, dealing with injuries to seamen, and some suits contesting the constitutionality of state statutes. The new rule ought to have a considerable effect on the number of diversity cases, especially with regard to contract cases, as contrasted with those in tort, since parties can sue in contract only for actual losses.[62] In order to discourage suits for sums which are inflated merely to meet the jurisdictional requirement, the statute provides that if the final judgment is for less than $10,000, the district judge may, in his discretion, in both diversity and general federal question cases, deny costs to the plaintiff, and, in addition, may impose costs on the plaintiff.

[60] 72 Stat. 415.

[61] See Report of the Proceedings of a Special Session of the Judicial Conference of the United States, March 14–15, 1957, p. 9. There were no hearings on the 1958 Act, but there had been a short hearing on an earlier version on July 12, 1957. Hearing before Subcommittee No. 3 of the Committee on the Judiciary, House of Representatives, 85th Cong. 1st Sess., on H.R. 2516 and H.R. 4497, "Jurisdiction of Federal Courts concerning Diversity of Citizenship."

[62] The Administrative Office of the United States Courts has estimated that the new provision will eliminate 38.2 per cent of contract cases and about 10 per cent of tort cases.

Another important change was made in the law controlling access to the federal diversity jurisdiction with the provision that henceforth a corporation shall be deemed, for this purpose, to be a citizen not only of the state in which it was incorporated, as previously, but also of the state where it has its "principal place of business."[63] This means that a corporation chartered in Delaware, but having its principal place of business in New York, will no longer be able to sue or be sued by New Yorkers on diversity grounds in any federal court. Such a corporation, in other words, will be regarded as a citizen of two states, so far as diversity is concerned. Another change makes such a corporation a citizen of two states for purposes of removing diversity cases from state courts to federal courts. Defendants may remove diversity cases from state to federal courts only if they are not citizens of the state where the action is pending. Thus, the corporation chartered in Delaware and having its principal place of business in New York will not be able to remove any diversity case from the state courts of Delaware or New York even though actual diversity of citizenship exists between the parties.

Finally, the statute provides that a civil action in any state court arising under the state's workmen's compensation laws may not be removed to any federal district court. This provision will have a serious deterrent effect. The Senate Judiciary Committee reported, for example, that during 1957, in the state of Texas alone, 1148 workmen's compensation cases were removed from state courts to the United States district courts.[64]

In a diversity case which turned on the construction of a state compensation act, and in which the main controverted issue was whether the plaintiff had the status of a statutory employee of the defendant, the Court held, 6–3, that the federal trial court was not bound by a state rule of practice which makes this issue one for decision by the judge alone.[65] Justice Brennan noted that "there is a strong federal policy against allowing state rules to disrupt the judge-jury relationship in the federal courts," and that in the light of the Seventh Amendment, the function assigned to the jury is an essential part of the process.

What Is a Law of the United States? Under the federal perjury statute (18 USC §1621), it is a crime to make a false statement under an oath authorized by a law of the United States. Pursuant to statute and the Federal Rules of Civil Procedure, federal courts are authorized to prescribe rules for the conduct of their business, and in accordance with this authority the two federal district courts in Iowa adopted a rule governing the admission of out-of-state attorneys to practice. Among other things, the rule states that the attorney may be required to submit to examination under oath. A Minnesota attorney was examined under oath, and later indicted for making a false statement. The district court dismissed the indictment on the ground that the local rule under which the oath was taken was not a law of the United States. The Supreme Court reversed, holding that the phrase, "law of the United States," as used in the perjury statute, is not limited to statutes, but also includes rules and regulations which have been lawfully authorized as well as decisional law.[66]

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[63] The precedent for the "principal place of business" clause is found in the jurisdictional provisions of the Bankruptcy Act, 11 U.S.C. §11.

[64] Senate Report No. 1830, July 11, 1958, 85th Cong., 2d Sess., p. 8.

[65] Byrd v. Blue Ridge Rural Electric Cooperative, 356 U.S. 525 (1958).

Venue. Cores, an alien crewman, entered the United States at Philadelphia with a conditional landing permit good for 29 days. He was in New York at the time of the expiration of his permit, but was arrested and indicted in Connecticut for willfully remaining in the country beyond the time limit. The district court dismissed the criminal information on the ground that the permit had expired before he entered the district where he was apprehended. By a 6–3 vote the Supreme Court reversed.[67] Speaking for the majority Justice Clark agreed that questions of venue raise deep issues of public policy, and that "the Constitution makes it clear that determination of proper venue in a criminal case requires determination of where the crime was committed." But he concluded that the offense consists of remaining in the United States, and therefore continuing presence anywhere in the United States falls within the statute. Thus the crime is a continuing one, triable in any district where the individual is found. The three dissenting Justices maintained that the crime is committed when the conditional permit expires, all elements of the crime having occurred at that time.

Production Orders and Due Process. In an early stage of litigation instituted by a Swiss holding corporation to recover assets seized by the government under the Trading with the Enemy Act, the government moved for an order under Rule 34 of the Federal Rules of Civil Procedure for the production, discovery and inspection of certain bank records. The corporation was unable to comply with the order of the district court because of the operation of Swiss law and the position of the Swiss government. The court then dismissed the action under Rule 37 because of noncompliance with the production order. The Supreme Court reversed, avoiding constitutional questions by construing Rule 37 as not authorizing dismissal of this action on these facts.[68] Nevertheless, the Court discussed constitutional questions, pointing out that there are constitutional limitations upon the power of courts, even in aid of their own valid processes, to dismiss an action without affording a party the opportunity for a hearing on the merits of his case. The Court suggested that due process is violated by the striking of a complaint because of a party's inability, despite good-faith efforts, to comply with a pretrial production order. It was emphasized that on this record the corporation's failure to satisfy the production order fully was due to inability fostered neither by its conduct nor by circumstances within its control.

Judicial Review of Administrative Action. Several American shipping companies using the Panama Canal brought suit to compel the Panama Canal Company to prescribe new tolls. Created by act of Congress in 1950, the Company holds the assets of the Canal, operates its facilities, and is authorized to change the tolls. The statute also provides that the Company may sue and be sued in its corporate name. By unanimous vote the Court held that this controversy was not an appropriate one for judicial action.[69] Section 10 of the Administrative Procedure Act excludes from judicial review "agency action" that is "by law committed to agency discretion," and the Court found this section to be controlling. Congress left to the discretion of the Canal Company the initiation of procedures for readjustment of tolls. The Court held that authority over the tolls is more than the performance of a ministerial act, since the level of rates involves nice issues of judgment and choice requiring the exercise of informed discretion.

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[66] United States v. Hvass, 355 U.S. 570 (1958).

[67] United States v. Cores, 356 U.S. 405 (1958).

[68] Societe Internationale Pour Participations Industrielles v. Rogers, 357 U.S. 197 (1958).

II. QUESTIONS OF STATE POWER

1. *Due Process of Law*

Freedom of Association. The freedom of association, a right not yet well defined in American constitutional law, was the subject of an important unanimous ruling in *National Association for the Advancement of Colored People* v. *Alabama.*[70] NAACP is a nonprofit New York corporation, and its Alabama affiliate was established in 1918. Believing itself exempt, it never attempted to comply with the Alabama foreign corporations act. In 1956 the Attorney General of Alabama brought an equity suit in the state court to enjoin NAACP from further activity in the state. The court granted an immediate restraining order. The state then moved for production of many papers and records, including the names and addresses of all agents and members of the Association. When NAACP refused to comply with the production order so far as the membership lists were concerned, it was held in civil contempt and fined $100,000.

First of all, the Court ruled that NAACP had standing to assert the constitutional rights of its members, who were not parties to the suit, since their rights could not be vindicated effectively except through an appropriate representative. To require the members to claim their right themselves would result in nullification of the right at the very moment of its assertion. In a practical sense, the Court held, NAACP and its members are identical.

On the merits, the Court held that the production order violates due process. The effective advocacy of both public and private points of view is undeniably enhanced by group association. Said Justice Harlan: "It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the 'liberty' assured by the Due Process Clause . . . . Of course, it is immaterial whether the beliefs sought to be advanced by association pertain to political, economic, religious or cultural matters . . . ." Furthermore, the Court ruled that it was immaterial that Alabama had not taken any direct steps to restrict the right of NAACP members to associate freely, for abridgement of the right may result from various forms of governmental action. Justice Harlan observed that it was hardly "a novel perception" that compelled disclossure of affiliation may effectively restrain freedom of association; there is a "vital relationship between freedom to associate and privacy in one's associations." Especially where a group espouses dissident beliefs, it may be absolutely essential to preserve the inviolability of privacy in group association. Thus the Court concluded that the production order entailed the likelihood of a substantial restraint upon the exercise by the members of NAACP of their freedom of association. For NAACP had shown incontrovertibly that, in the past, revelation of the identity of members exposed them to economic reprisal, loss of employment, the threat of physical coercion, and other manifestations of public hostility. It is not a sufficient answer, Justice Harlan pointed out, to say that this sort of repression would be due not to state action, but only to private community pressures, for the crucial fact is that it is an exertion of state power that starts the difficulty.

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[69] Panama Canal Co. v. Grace Line, 356 U.S. 309 (1958).

[70] 357 U.S. 449 (1958). See Joseph B. Robison, "Protection of Associations from Compulsory Disclosure of Membership," *Columbia Law Review*, Vol. 58, pp. 614–649 (May, 1958).

The Court went on to rule that Alabama did not demonstrate an interest in obtaining the disclosures which was sufficient to justify the deterrent effect which these disclosures would have on the free exercise of the constitutionally protected right of association. Alabama claimed that its interest was to determine whether NAACP was conducting an intrastate business in violation of the Alabama foreign corporation registration statute, but the Court held that disclosure of the names of the members of NAACP had no substantial bearing on this issue.

Finally, the Court distinguished the *Zimmerman* case,[71] which had sustained the New York anti-Klan act in 1928. It was pointed out that that decision was based on the nature of the Klan, which had been guilty of acts of unlawful intimidation and violence, and that the Klan had made no effort to comply with any provisions of the New York statute, and would give the state no information at all.

The Court set aside the judgment of civil contempt and the $100,000 fine, but directed that the validity of the temporary restraining order remained to be adjudicated on the merits in the state courts.

Freedom of Speech. A variety of free speech issues were adjudicated by the Court during the 1957 Term. The most interesting arose from the administration of California's tax laws. Under California law, applicants for the property tax exemption must complete annually a standard form and file it with the local assessor. Pursuant to a 1952 constitutional amendment, the legislature provided that the applicant must sign an oath in which he swears that he does not advocate the overthrow of government by force or violence or other unlawful means, and does not advocate support of a foreign government engaged in hostilities against the United States. The California Supreme Court held that this declaration was designed to relieve the tax assessor of the burden of ascertaining the facts with reference to tax exemption claimants, but that it is not conclusive evidence of eligibility. The assessor has the duty of investigating the facts underlying all tax liabilities, and has statutory authority to subpoena taxpayers. He may find against the taxpayer, in which case the latter may go to court to prove the incorrectness of the assessor's determination. In one case, two World War II veterans claiming the veterans' property-tax exemption refused to subscribe to the oath, and a companion case dealt with the like refusal of a Unitarian and a Unitarian-Universalist church.[72] With Justice Clark dissenting alone, the Court held the challenged statute unconstitutional. Justice Brennan pointed out that it is settled that speech can be effectively limited by the exercise of the taxing power, and that the denial of a tax exemption is a penalty having the same deterrent effect upon speech as a fine. Even though the tax exemption is a privilege or bounty, still its denial may infringe upon speech. While it may be assumed that California may deny tax exemptions to persons who engage in speech which the state may constitutionally proscribe, the question for decision, said Justice Brennan, is whether California has chosen a fair method for determining when a claimant is a member of that class. For when the state undertakes to restrain unlawful advocacy, it must provide adequate safeguards to protect constitutional rights, particularly when rights "essential to the workings of a free society" are involved.

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[71] New York ex rel. Bryant v. Zimmerman, 278 U.S. 63 (1928).

The Court's decision turned on the fact that the statute put the burden of proof upon the taxpayer, both before the assessor and in court, to establish that he is properly within the constitutionally exempted group. While the state has the power to regulate procedures under which its laws are carried out, including the burden of persuasion, it must do so without offending fundamental principles of justice. Thus, a legislature may not declare an individual guilty or presumptively guilty of a crime; it cannot place the burden of proof on defendants in criminal cases. While California has seemingly undertaken merely to compute tax liabilities, actually it is determining whether certain speech falls within a class which may constitutionally be curtailed, and Justice Brennan declared that "the separation of legitimate from illegitimate speech calls for more sensitive tools than California has supplied." As in criminal cases, the Court ruled, when the transcendent value of speech is involved due process requires the state to bear the burden of persuasion to show engagement in criminal speech. The danger in the state's procedure, said Justice Brennan, is that where particular speech falls close to the line separating lawful from unlawful speech, the possibility of mistaken fact finding, which is inherent in all litigation, creates the danger that legitimate utterances will be penalized. "The man who knows that he must bring forth proof and persuade another of the lawfulness of his conduct necessarily must steer far wider of the unlawful zone than if the State must bear these burdens." This is especially true where the proofs are complex and the standards are general in character. It was therefore concluded that

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[72] Speiser v. Randall, 357 U.S. 513 (1958); First Unitarian Church v. Los Angeles, 357 U.S. 545 (1958). See: Milton Greenberg, "Loyalty Oaths: An Appraisal of the Legal Issues," *Journal of Politics*, Vol. 20, pp. 487–514 (August, 1958). On free speech generally see: Walter Berns, *Freedom, Virtue, and the First Amendment* (Baton Rouge, La., 1957); O. John Rogge, "Congress Shall Make No Law . . . ," *Michigan Law Review*, Vol. 56, pp. 331–374 (January, 1958), pp. 579–618 (February, 1958). On related subjects see: Thomas A. Cowan, "Interference with Academic Freedom: The Pre-Natal History of a Tort," *Wayne Law Review*, Vol. 4, pp. 205–227 (Summer, 1958); F. William O'Brien, *Justice Reed and the First Amendment: The Religious Clauses* (Georgetown, 1958).

California's procedure can only result in deterring speech which the Constitution makes free; when the constitutional right to speak is sought to be deterred by the state's taxing program, due process demands that speech be unfettered until the state comes forward with sufficient proof to justify the restriction.

Justices Black and Douglas concurred separately, arguing that the tax was levied upon belief and expression, and that what a man thinks is no concern of the government. In the case of the two churches they thought there was an invasion of religious scruples. Justice Clark did not believe that due process requires the state to bear the burden of proof; this is not a criminal proceeding, he argued, but merely involves a gratuity, to which the state is free to attach conditions. He maintained that the state has a right to insure that those who benefit by tax exemption do not bite the hand that gives it.

Staub v. *Baxley*[73] involved a review of conviction of a salaried trade union organizer for violating an ordinance of Baxley, Georgia. The ordinance provided that no person may solicit membership in any organization or union which requires payment of dues without first securing a permit from the Mayor and Council. In addition to paying a stiff fee ($2,000 plus $500 for each member obtained if the organizer is salaried), the Mayor and Council were directed to consider the character of the applicant, the nature of the organization, and "its effects upon the general welfare" of the city. In affirming the lower courts, the Court of Appeals of Georgia held that it would not even consider the constitutional question because Staub should have attacked specific sections of the ordinance rather than the whole document, and because Staub had not made an effort first to secure a license. Reversing the state courts, the Supreme Court held that the decision below did not rest upon an adequate non-federal basis. It is established, Justice Whittaker noted, that when a defense is grounded on federal law, the Supreme Court is not concluded by the state court's view of pleading; the assertion of federal rights, when made plainly and reasonably, is not to be defeated by local practice. The Court has always held that failure to apply for a license under an ordinance which on its face violates the federal constitution does not preclude its review of the case. Furthermore, to force the plaintiff to challenge all sections of an ordinance, one by one, when they are interdependent and constitute one complete act of the licensing power, is to compel resort to "an arid ritual of meaningless form."

On the merits, the Court ruled that the ordinance made the enjoyment of constitutionally guaranteed freedom of speech contingent upon the will of the Mayor and Council, and thus constituted a prior restraint upon that freedom. For above all the Mayor and Council were authorized to refuse a license "without semblance of definitive standards or other controlling guides." It has long been settled that an ordinance which makes the enjoyment of constitutional freedoms contingent on the uncontrolled will of an official is an unconstitutional censorship or prior restraint upon the enjoyment of such freedoms.[74]

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[73] 355 U.S. 313 (1958).

[74] The Court relied mainly upon Cantwell v. Connecticut, 310 U.S. 296 (1940), though other precedents were cited.

Justice Frankfurter, with whom Justice Clark agreed, dissented on the ground that the case rested upon adequate non-federal grounds. Viewing the problem quite characteristically as a problem in federalism, Justice Frankfurter argued for the proposition that the Court ought to recognize that the states have a wide discretion in formulating procedures, even though their procedures may seem crude, awkward or even unnecessarily formal, so long as they are not used to stifle a federal claim.

Finally, in *Youngdahl* v. *Rainfair, Inc.*,[75] the Court held that while a state court may enjoin picketing which had taken the form of violent conduct, it may not constitutionally forbid peaceful picketing. This is of course familiar doctrine. Partly the violent conduct took the form of violent speech, but the Court ruled that abusive language is not protected speech. Thus the Court ruled that the word "scab" is not within protected speech. For, said Justice Burton, "if a sufficient number yell any word sufficiently loudly showing an intent to ridicule, insult or annoy, no matter how innocuous the dictionary definition of that word, the effect may cease to be persuasion and become intimidation and incitement to violence." It follows that a state court may enjoin threats and intimidation, but it is not free to go so far as to forbid all picketing. Three dissenters maintained that Congress had given the National Labor Relations Board exclusive jurisdiction over the controversy.

Discharge for Disloyalty. Beilan, a teacher in the Philadelphia public school system for about 22 years, refused to answer a question put to him by the Superintendent as to whether he had been in 1944 an official in the Communist Political Association. He was then discharged solely on the ground that refusal to answer the question demonstrated "incompetency." By a 5–4 vote the Supreme Court ruled that Beilan had been denied no federal constitutional right.[76] Said Justice Burton: "By engaging in teaching in the public schools, petitioner did not give up his right to freedom of belief, speech or association. He did, however, undertake obligations of frankness, candor and cooperation in answering inquiries made of him by his employing Board examining into his fitness to serve it as a public school teacher." Education is a sensitive area, and the state has a vital stake in preserving the integrity of the schools. The question put to Beilan, Justice Burton said, was relevant to the issue of fitness and suitability to serve as a teacher; the finding was not one of disloyalty, but rather of insubordination, lack of frankness and candor. There is nothing in the federal Constitution, the Court ruled, which requires that a teacher's classroom conduct should be the sole basis for determining his fitness, since fitness for teaching depends upon a broad range of factors. It was noted that Pennsylvania law specifies several disqualifying grounds, such as immorality, intemperance, cruelty, mental derangement and persistent violation of school laws, and that Pennsylvania courts have construed the term "incompetency" broadly. The *Slochower* case[77] was distinguished on the ground that there the discharge had been based entirely upon events occurring before a federal committee whose inquiry was not directed towards local affairs.

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[75] 355 U.S. 131 (1957). See: Guy Farmer and Charles G. Williamson, Jr., "Picketing and the Injunctive Power of State Courts—From Thornhill to Vogt," *University of Detroit Law Journal*, Vol. 35, pp. 431–455 (April, 1958).

[76] Beilan v. Board of Education of Philadelphia, 357 U.S. 399 (1958). On various aspects of federal review of state exercises of the police power see: Ruth L. Roettinger, *The Supreme Court and State Police Power* (Washington, 1957); John A. C. Hetherington, "State Economic Regulation and Substantive Due Process," *Northwestern University Law Review*, Vol. 53, pp. 13–32 (March–April, 1958), pp. 226–251 (May–June, 1958).

A companion case dealt with the discharge of a subway conductor in New York under the state's Security Risk Law.[78] As authorized by the law, the state Civil Service Commission classified the New York City Transit Authority as a security agency, and the agency was accordingly given authority to discharge an employee if on all the evidence there are reasonable grounds to believe that, because of doubtful reliability, the employment would endanger security. The conductor had refused to say, under oath, in response to a question put to him by the Commissioner of Investigation, whether he was then a member of the Communist Party, pleading the Fifth Amendment. The Court held that the conductor could not complain of certain procedural defects because he had failed to pursue the administrative remedy available to him; that the power of the state to enact such legislation was not constitutionally contingent upon the existence of a public emergency; and that the application of this law to the New York transportation system was not irrational. But the major holding was that the state's finding—that refusal to answer the question supports the conclusion that the conductor was "of doubtful trust and reliability"—does not offend due process. The New York Court of Appeals had ruled that he had not been discharged because of any inference of membership in the Communist Party, or because of the assertion of the privilege against self-incrimination, but only because of the doubt created as to his "reliability" by refusing to answer a relevant question put to him by his employer. Again *Slochower* was distinguished since there the removal had been based upon an assertion of the Fifth Amendment right, and in a federal inquiry unrelated to any question of state employment.

Chief Justice Warren dissented. He believed that Beilan's discharge was due mainly to assertion of the Fifth Amendment privilege, thus falling within the *Slochower* rule. As for the other discharge, he agreed with Justice Brennan that whatever the state may assert, the real issue was dismissal as a security risk, and that therefore a man had been branded as disloyal without due process. In both cases they thought that the inference of disloyalty was arbitrary because there was no evidence to support it. Justices Douglas and Black found in these cases an invasion of freedom of speech and belief and a denial of the presumption of innocence. They would not permit any inference of wrongdoing to flow from the invocation of any constitutional right.

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[77] Slochower v. Board of Higher Education, 350 U.S. 551 (1956). See this REVIEW, Vol. 51, pp. 187–189 (March, 1957). Konigsberg v. State Bar of California, 353 U.S. 252 (1957), was distinguished on the ground that in that case the Court had stressed the fact that the action of the state was not based on the mere refusal to answer relevant questions, but rather on impermissible inferences from the refusal. See this REVIEW, Vol. 52, pp. 179–181 (March, 1958).

[78] Lerner v. Casey, 357 U.S. 468 (1958).

Double Jeopardy. Several very important questions relating to double jeopardy were before the Court during the Term under review, and the Justices were sharply divided in each case. One came up from New Jersey, where Hoag had been indicted on the charge that he had participated in the robbery of three named individuals. The state called five witnesses, the three named in the indictment and two others who had also been victims of the same robbery but had not been named in the indictment. Hoag testified to an alibi. Only one of the witnesses, one of the two who had not been named in the indictment, identified Hoag at the trial as the robber. Following an acquittal by the jury, the state then proceeded to indict Hoag for robbing the identifying witness, and at the trial this witness was the only one called by the state. The defense at the second trial called the other four, who again said that they could not make a positive identification, and Hoag repeated his alibi. This time the jury found him guilty, and dividing 5–3, the Supreme Court affirmed over due process objections.[79] The Court ruled that Hoag had not been put in jeopardy twice for the same crime.

The state courts took the position that the New Jersey statute makes each robbery a separate offense. Nothing in due process, the Court ruled, prevents the state from taking the position that double jeopardy does not apply unless the same evidence necessary to sustain a second indictment would have been sufficient to secure a conviction on the first. The Fourteenth Amendment, said Justice Harlan, does not always forbid a state to prosecute different offenses at consecutive trials even though they arose out the same occurrence. In any given case the question is one of fundamental fairness, and while it may be better practice for a state in these circumstances normally to try the several offenses in a single prosecution, due process does not demand it. Furthermore, the Court refused to make the doctrine of collateral estoppel a constitutional requirement. It was sufficient, it held, that the New Jersey courts had ruled that the previous acquittal did not give rise to such estoppel because the first trial involved several questions in addition to that of Hoag's identity, and there was no way of knowing upon which question the jury's verdict turned. Writing in dissent, Chief Justice Warren maintained that it was not consistent with the fair procedure guaranteed by due process for the state to litigate a single issue, previously resolved by the jury in favor of the defendant, in a second trial. For he argued that the issue of the robber's identity was unrelated to the name of the particular victim named in the indictment. Justice Douglas, with whom Justice Black registered agreement, also filed a dissenting opinion to argue that making a man "run the gauntlet twice" violates the Constitution, but he went on to argue that the *Palko* case[80] ought to be overruled.

The question of multiple prosecutions was also involved in the case of Ciucci, who had been charged by Illinois in four separate indictments with murdering his wife and three children. In his first trial he was found guilty of murdering his wife, and the jury fixed the penalty at 20 years. Under Illinois law the jury fixes the penalty for first degree murder at from 14 years to death. Then the state tried Ciucci a second time, for murdering one of the children, and again he was convicted, this time being given 45 years in the penitentiary. Then at a third trial for the death of a second child he was again convicted and given the death penalty, which was what the prosecutor was after all along. At each of the trials the prosecution introduced into evidence details of all four deaths. Dividing 5–4, the Court held that on this record there had been no violation of due process.[81] It was conceded that under Illinois law each of the murders, though they took place at the same time, constituted a separate offense, and it was also undisputed that the evidence of the entire occurrence was relevant to each of the three prosecutions. The Court majority could not find in this record any fundamental unfairness. Speaking for the dissenters, Justice Douglas argued that this was harassment of the accused with repeated trials on the same evidence, that each trial was in effect a trial for the murder of all four victims, and that this was therefore "an unseemly and oppressive use" of criminal procedure.

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[79] Hoag v. New Jersey, 356 U.S. 464 (1958).

[80] Palko v. Connecticut, 302 U.S. 319 (1937).

An important double jeopardy issue was left unresolved in another Illinois case. Bartkus was acquitted by a federal jury on a charge of robbing a federally-insured bank in Cairo, Illinois. He was then convicted by a state jury of the crime of robbing this bank and given a life sentence. On January 6, 1958, the Supreme Court divided evenly, 4–4, thus affirming the Illinois Supreme Court.[82] But the Court granted a petition for rehearing on May 26,[83] and the question will therefore be re-examined in the 1958 Term.

Self-Incrimination. Dividing 6–3, the Court ruled in *Knapp* v. *Schweitzer*[84] that one who has been given immunity under state law cannot refuse to answer questions put to him by a state grand jury on the ground that it might expose him to a prosecution under a federal law. Knapp had refused to answer questions in the course of a New York grand jury inquiry into labor racketeering because the state immunity law did not give him immunity from federal prosecution, and he alleged that his answers would expose him to prosecution under Section 302 of the Taft-Hartley Act. Speaking for the Court, Justice Frankfurter noted that Knapp's position carried dangerous implications, since it could lead to the contention that when Congress enacts a criminal statute it has as a practical matter withdrawn from the states their traditional power to investigate in aid of prosecuting conventional state crimes wherever some facts may relate to a federal offense. This was contrary to the historic distribution of powers between state and nation in our federal system, in which most of the criminal jurisdiction was left to the states. In these days of sweeping federal legislation, it was pointed out, state investigations to discover crimes could easily be thwarted if the states are deprived of the power to expose wrongdoing. If the Court accepted Knapp's contention, then every witness before a state grand jury would feel free to block the vitally important state investigations of crime. The Fifth Amendment, said Justice Frankfurter, was designed to restrain the compulsion of testimony by the federal government, but was not a general declaration of policy against compelling testimony. But he also observed that the federal government cannot take advantage of this recognition of the state's autonomy in order to evade the Bill of Rights, so that if a federal officer should be a party to the compulsion of testimony by state agencies, the Fifth Amendment would apply.[85] But there was no showing here that the state was being used as an instrument of federal prosecution or investigation. Finally, said Justice Frankfurter, if a person facilitates amenability to federal process through immunized self-disclosure before a state law-enforcing agency, then this is the price we must pay for federalism. This is better than to sterilize the power of either government by not recognizing the autonomy of each within its proper sphere. Speaking in dissent, Justice Black objected strongly to a procedure under which a man can be whipsawed into incriminating himself. He did not believe that such an "intolerable state of affairs" was a necessary part of our federal system.

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[81] Ciucci v. Illinois, 356 U.S. 571 (1958).

[82] Alfonse Bartkus v. Illinois, 355 U.S. 281 (1958).

[83] Alfonse Bartkus v. Illinois, 356 U.S. 969 (1958).

[84] 357 U.S. 371 (1958).

Confessions. In *Crooker* v. *California,*[86] decided by a 5–4 vote, the Court held that the fact that the police had refused to permit the accused to get in touch with his lawyer did not render the confession secured during the interrogation involuntary. A state's denial of counsel violates due process only if the accused is deprived of counsel at the trial on the merits, or if lack of counsel in the pretrial proceedings was so prejudicial as to infect the subsequent trial with fundamental unfairness. In this case the imputation of coercion was negated by the defendant's age, intelligence, and education, and his apparent awareness of his right to remain silent. The four dissenting Justices insisted that an accused has as great a need for counsel before trial as at any other time, and that the only way to stop third-degree practices at the interrogation, "the most critical period of his ordeal," is to secure his right to have a lawyer with him. At the trial it is usually too late to prove coercion, since it is generally a matter of pitting the defendant's word against that of the law officers.

In another case which made the same point, the Court expressed its unwillingness to hamper the police in their solution of difficult criminal cases, and insisted that it is the very essence of federalism to give the states the widest possible latitude in the administration of their own systems of criminal justice.[87] In a third case, involving the conviction of a mentally dull Negro youth, who had been arrested without warrant, denied a preliminary hearing before a magistrate, never informed of his right to remain silent, held incommunicado for three days, denied food for long periods of time, and threatened with mob action, the Court set aside the conviction on the ground that the confession secured under these circumstances had been coerced.[88] The absence of physical torture was not decisive, since there is a torture of the mind as well as of the body; the will is as much affected by fear as by force. On the other hand, the Court sustained a conviction resting on a confession where it found that the police interview had been temperate and courteous, and the emotional distress of the accused could be attributed to remorse rather than to any coercive conduct on the part of the officers.[89]

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[85] As decided in Byars v. United States, 273 U.S. 28 (1927).

[86] 357 U.S. 433 (1958).

[87] Cicenia v. Lagay, 357 U.S. 504 (1958). In this case the Court also ruled that the state had not denied due process because it had required the defendant to plead to the indictment without an opportunity to inspect his confession. Many states, it was noted, give the judge discretion whether or not to allow inspection before trial. See: Francis A. Allen, "The Supreme Court and State Criminal Justice," *Wayne Law Review*, Vol. 4, pp. 191–204 (Summer, 1958).

Right to Counsel. A conviction was set aside by a 5–4 vote in *Moore* v. *Michigan*[90] where the Court found that there had been no competent and intelligent waiver of the right to counsel. The accused was a 17-year old Negro with a seventh grade education who, after protracted interrogation, had been permitted to plead guilty to a murder charge after saying that he did not desire counsel. The Court found that there had been possible defenses which raised questions of considerable technical difficulty obviously beyond the understanding of the accused, and that he had needed help with regard to the question of the degree of murder involved. While the state is not obliged to force a lawyer upon an unwilling defendant, where the right to counsel is of critical importance a finding of waiver will not be made lightly. The Court ruled that the defendant had succeeded in carrying the burden of proving that he had not waived his right to counsel understandingly and intelligently. For example, on cross-examination the sheriff indicated that he had advised the accused to plead guilty because there was high tension in the community, and this corroborated the defendant's testimony that he had been told if he didn't plead the sheriff would be unable to protect him. While the trial court held as a fact that there were no threats of mob violence, this was regarded as immaterial since the accused, who was held in continuous and close confinement, was in no position to know that this was so. In short, a rejection of a federal constitutional right because of fear cannot be regarded as an intelligent waiver. The four dissenting

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[88] Payne v. Arkansas, 356 U.S. 560 (1958). The Court also rejected the state's contention that there was enough other evidence to sustain the verdict, holding that since the coerced confession was part of the evidence before the jury, and the jury returned a general verdict, no one could say what credit and weight the jury gave to the confession. Justice Clark dissented on this point on the authority of Stein v. New York, 346 U.S. 156 (1953). But speaking for the Court, Justice Whittaker pointed out that in the Stein case the Court had not found that the confession was coerced.

[89] Ashdown v. Utah, 357 U.S. 426 (1948). On the facts, a bare majority of the Court held that the confession used in Thomas v. Arizona, 356 U.S. 390 (1958) had been voluntary, "a spontaneous exclamation of a guilty conscience." There was no evidence of a physical beating, no continuous relay questioning, no incommunicado detention or psychiatric inducement. The accused was a grown man of at least normal intelligence and not a stranger to the processes of law.

[90] 355 U.S. 155 (1957). See: Note, "Representation by Counsel in Administrative Proceedings," *Columbia Law Review*, Vol. 58, pp. 395–407 (March, 1958).

Justices argued that the issue was one of fact, regarding events that had occurred 19 years ago, on which the state courts had ruled three times, and that there was ample evidence to support their position.

Knowing Use of False Testimony by the Prosecution. A unanimous Court set aside a conviction in *Alcorta* v. *Texas*[91] on the ground that the prosecutor used testimony that he knew was false. It is well established that the introduction by the state of such seriously prejudicial testimony is a denial of due process of law.[92]

Procedure for Finding Insanity. Under California statutes, when a man has been condemned to death, the initial determination of his sanity is up to the warden of the state prison, the condemned person having no right to place his claim of insanity before the warden. On the authority of a recent precedent[93] which held that due process permits a state to leave the issue of the sanity of a man condemned to death to the *ex parte* determination of the governor, the Court affirmed.[94] Justice Brennan filed a concurring opinion to make the point that while he assumes that due process prohibits a state from executing a prisoner who has become insane after his conviction, there had been no violation of due process in this instance because the warden had a regular procedure involving periodic reports from staff psychiatrists. He thought it was reasonable for the state to take the position that an adversary proceeding on the issue of probable cause might open the door to interminable delaying maneuvers in capital cases, contrary to the sound administration of justice. It sufficed that the warden had acted in good faith on the basis of responsible medical advice and his own personal observations. Speaking for the three dissenters, Justice Frankfurter maintained that in this situation the fearful question of life and death is left to the mere say-so of the warden without giving the condemned man any chance to present his case to the man who sits in judgment. He insisted that due process demands that the trier of fact hear the other side, and that the right to be heard was more important than the inconvenience involved.

Notice. The Justices divided 5–4 on a very interesting question of notice in *Lambert* v. *California.*[95] The Los Angeles Municipal Code provides that no person who, after January 1, 1921, is convicted of a felony, whether in California or anywhere else, can remain in the city for more than five days without registering with the Chief of Police. At the time of her arrest on suspicion of another offense, Lambert had resided in Los Angeles for seven years, and had within that time been convicted of forgery. She appealed her conviction for violating the registration law, and after argument and reargument by appointed *amicus*, the Supreme Court held the statute unconstitutional. It is important to note that at her trial Lambert's offer to prove lack of actual knowledge of the registration requirement had been refused, so that at the appeal it had to be assumed that she had no actual knowledge of it. Speaking for the Court, Justice Douglas conceded that an evil intent is not always necessary to constitute a crime, and that the legislature has a wide latitude in this respect, but he stressed that the conduct in this case was wholly passive, mere failure to register; the violation was unaccompanied by any activity, mere presence in the city being enough. Furthermore, there were no circumstances which might move one to inquire as to the necessity of registration, and Lambert was not given a chance to register when she first became aware of the law. Under these circumstances the Court held that the statute denied the requirement of notice which is deeply ingrained in our concept of due process. The principle of notice runs throughout many branches of the law, and is equally appropriate where a person who is wholly unaware of wrongdoing and is wholly passive is tried for a crime. Thus the Court held "that actual knowledge of the duty to register or proof of the probability of such knowledge and subsequent failure to comply are necessary before a conviction under the ordinance can stand." It was felt that this law was too severe because of the absence of an opportunity to avoid the consequences of the law or to defend any prosecution brought under it. Justice Douglas concluded: "Where a person did not know of the duty to register and where there was no proof of the probability of such knowledge, he may not be convicted consistently with due process. Were it otherwise, the evil would be as great as it is when the law is written in print too fine to read or in a language foreign to the community."

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[91] 355 U.S. 28 (1957).

[92] Mooney v. Holohan, 294 U.S. 103 (1935); Pyle v. Kansas, 317 U.S. 213 (1942).

[93] Solesbee v. Balkcom, 339 U.S. 9 (1950).

[94] Caritativo v. California, 357 U.S. 549 (1958).

[95] 355 U.S. 225 (1957).

Writing in dissent, Justice Frankfurter declared that federal and state laws are thick with provisions that command that certain things be done or not done, under which persons are convicted who have no awareness of what the law requires. As a matter of justice or fairness he could see no difference between the state's requirement of doing or not-doing. He declared that if the generalization underlying this decision is given its proper scope, then a whole volume of the United States Reports would be required to document in detail the legislation which would have to fall or be impaired. He was confident that this decision will turn out to be "an isolated deviation from the strong current of precedents—a derelict on the waters of the law."

State Jurisdiction. McGee, a resident of California, sued the International Life Insurance Company, a Texas corporation, in a California state court on an insurance contract that had been mailed to the insured in California. The Company, which never had any office or agent in California, was not served with process in California, but rather by registered mail at its principal place of business in Texas. The California court took jurisdiction on the basis of a state statute which subjects foreign corporations to suits in California on insurance contracts entered into with residents of the state, even though such corporations cannot be served with process within its borders. McGee took his California judgment to the Texas courts, which refused to enforce it on the ground that it was void under the Due Process Clause; but it was conceded that if the California court had properly exercised jurisdiction over the Company, the Texas courts erred in refusing to give the judgment full faith and credit. By unanimous vote the Supreme Court held that the California court had jurisdiction.[96] Justice Black noted that since the *Pennoyer* case[97] this Court has held that due process places some limit on the power of a state court to enter binding judgments against persons not served with process within the boundaries of the state. But just where the line falls has been the subject of prolific controversy, the Court having accepted and then abandoned "consent," "doing business" and "presence" as standards. The prevailing rule is that of the *International Shoe* case,[98] which held in 1954 that all due process requires is "certain minimum contacts." Thus, it was concluded that the long history of litigation on this subject shows a trend "clearly discernible toward expanding the permissible scope of state jurisdiction over foreign corporations and other nonresidents." This has been due partly to the fundamental transformation of our national economy, for with the increasing nationalization of commerce, more and more transactions now touch two or more states. Furthermore, with modern transportation and communication it is much less burdensome for a party to defend himself in a state where he engages in some economic activity. In this case the Court ruled that it was sufficient, so far as due process is concerned, that the suit in California was based on a contract which had a substantial connection with that state. The contract was delivered in California; the premiums were mailed from there; the insured was a resident of that state. "It cannot be denied," said Justice Black, "that California has a manifest interest in providing effective means of redress for its residents when their insurers refuse to pay claims." These residents would be at a severe disadvantage if they were compelled to follow the insurance company to a distant state, particularly if the claims are small and the claimants cannot afford, as is often the case, to bring an action in a foreign forum. The Court concluded that while this suit may be inconvenient to the insurer, it was certainly nothing that amounted to a denial of due process; and noted that it was not contended that the Company did not have adequate notice and sufficient time to prepare its case.[99]

In another case, decided 5-4, the Court ruled that the Florida courts lacked jurisdiction *in rem* over a trust the situs of which was in Delaware, and that they lacked jurisdiction *in personam* over the trustee in Delaware whose contacts with Florida were too minimal.[100] It was also held that Delaware is under no obligation to give full faith and credit to a Florida judgment which is invalid because contrary to due process. The dissenting Justices thought that there were sufficiently close and substantial connections with Florida to give Florida courts jurisdiction.

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[96] McGee v. International Life Insurance Co., 355 U.S. 220 (1957).

[97] Pennoyer v. Neff, 95 U.S. 714 (1878).

[98] International Shoe Co. v. Washington, 326 U.S. 310 (1945).

[99] The Court also held that although the California law went into effect after the Company had entered into this agreement, there was no violation of the obligation of contract, since the statute was purely remedial and neither enlarged nor impaired the Company's substantive rights and obligations. It merely gave the claimant a California forum to enforce his substantive rights, and the Company was given a reasonable time to appear and defend on the merits. Under these circumstances the Company had no vested right not to be sued in California.

[100] Hanson v. Denckla, 357 U.S. 235 (1958).

2. *Equal Protection of the Laws*

While no case dealing with racial segregation in the public schools was decided by the Supreme Court on the merits during the 1957 Term,[101] the Court met in Special Term on August 28, 1958, to review the latest developments in Arkansas. On petition of the Little Rock School Board, District Judge Harry J. Lemley suspended integration at Central High School on June 20, 1958, for a period of two and a half years, on the ground that the attendance of Negroes there had created "intolerable conditions." On the very last day of the 1957 Term, the Supreme Court declined to permit the by-passing of the Court of Appeals,[102] and on August 18 the Court of Appeals, convening in special session, reversed the District Court but stayed its mandate to permit the School Board to petition for certiorari. Since school was to open soon, the Supreme Court heard argument in Special Term on August 28, and further argument on September 11, announcing a unanimous decision on September 12,[103] affirming the Court of Appeals and reinstating the original plan for gradual integration of the schools of Little Rock which had been approved by the District Court on August 27, 1956.[104] Appearing on invitation of the Court as *amicus* the Solicitor General supported fully the NAACP position.

The Court reconvened on September 29 to deliver an opinion to which each Justice attached his name.[105] After reviewing the history of the controversy, the Justices conceded that the School Board had acted in entire good faith, and accepted the findings of the District Court as to the conditions in the High School during the previous year. But in view of the fact that these conditions were directly traceable to the actions of legislative and executive officials of Arkansas arising from a determination to resist the Court's decision in the *Brown* case, the members of the School Board, who are also agents of the state, could not refuse to obey a proper federal court order. The Justices said: "The constitutional rights of respondents are not to be sacrificed or yielded to the violence and disorder which have followed upon the actions of the Governor and Legislature . . . . Law and order are not here to be preserved by depriving the Negro children of their constitutional rights." State nullification of the *Brown* decision, whether attempted "ingeniously or ingenuously," is out of bounds. Finally, the Court made it perfectly clear that under the doctrine of national supremacy, the Governor and Legislature are bound by the federal judiciary's interpretation of the national Constitution.

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[101] There was plenty of writing on the various aspects of the desegregation problem. See: John L. Fletcher, Jr., *The Segregation Case and the Supreme Court* (Boston, 1958); Don Shoemaker, ed., *With All Deliberate Speed* (New York, 1957); Note, "Implementation of Desegregation by the Lower Courts," *Harvard Law Review*, Vol. 71, pp. 486–502 (January, 1958); George W. Spicer, "The Supreme Court and Racial Discrimination," *Vanderbilt Law Review*, Vol. 11, pp. 821–852 (June, 1958); Daniel H. Pollitt, "Presidential Use of Troops to Execute the Laws: A Brief History," *North Carolina Law Review*, Vol. 36, pp. 117–141 (February, 1958); Comment, "Executive Powers—Use of Troops to Enforce Federal Laws," *Michigan Law Review*, Vol. 56, pp. 249–272 (December, 1957); John R. Schmidhauser, *The Supreme Court as Final Arbiter in Federal-State Relations, 1789–1957* (Chapel Hill, 1958); Glenn Abernathy, "Expansion of the State Action Concept under the Fourteenth Amendment," *Cornell Law Quarterly*, Vol. 43, pp. 375–418 (Spring, 1958); Symposium on "Integration in Housing," *Lawyers Guild Review*, Vol. 18, pp. 1–45 (Spring, 1958). Current issues of the *Race Relations Law Reporter* are indispensable for keeping up with legal developments in this field; see especially the following special studies: "Precedent and the Constitution," Vol. 3, pp. 395–405 (April, 1958); "Substantive Civil Rights under Federal Legislation," Vol. 3, pp. 133–161 (February, 1958); "Legal Definition of Race," Vol. 3, pp. 571–588 (June, 1958).

[102] Aaron v. Cooper, 357 U.S. 566 (1958).

[103] Cooper v. Aaron 358 U.S. 1 (1958).

[104] Aaron v. Cooper, 143 F. Supp. 855 (E. D. Ark. 1956), affirmed by the Court of Appeals, 243 F. 2d 361 (8th Cir. 1957). Review by the Supreme Court was not sought.

[105] Justice Frankfurter filed a separate, eloquent concurring opinion on October 6, 358 U.S. 20.

A unanimous Court set aside the conviction of a young Negro for murder in Louisiana because within the memory of living men only one Negro had ever served on a grand jury in a parish whose population was about one-third Negro.[106] Undisputed testimony also established that a substantial number of Negroes in the community were educated, registered to vote, and had the statutory qualifications for jury service. Under these facts the convicted Negro had been denied the equal protection of the laws. The imputation of discrimination is not negated by the mere fact that the local officials said that they did not discriminate, and as for the appeal to local tradition, Justice Black said that that "cannot justify failure to comply with the constitutional mandate requiring equal protection of the laws."

Finally, the Court reasserted its recent holding in the *Griffin* case[107] that a state denies the equal protection of the laws if it allows all convicted defendants to have appellate review except those who cannot afford to pay for the records of their trials.[108] In this instance the state permitted the trial judge to have a transcript furnished to an indigent defendant at public expense if the judge believes that justice will thereby be promoted. The Court held that the judge's conclusion that there had been no reversible error in the trial cannot be an adequate substitute for the right to full appellate review available to all defendants in the state who can afford the expense of a transcript. Justices Harlan and Whittaker dissented on the ground that the *Griffin* case, which was decided in 1956, should not apply to this conviction, which occurred in 1935.

3. *State Power and the Commerce Clause*

There are eight terminals for interstate railroads in Chicago. In 1955 the railroads abandoned the Parmalee Transportation Company as the carrier for passengers between stations, and engaged the Railroad Transfer Service, a corporation specially organized at their request to serve as exclusive transfer agent. At this time the Chicago City Council adopted an ordinance requiring certificates of public convenience and necessity for any additional interterminal service, and the Council reserved final discretion to determine how many, if any, new licenses should be issued. The new Railroad Transfer Service brought suit in a federal district court for a declaratory judgment. Dividing 6–3, the Supreme Court ruled the ordinance invalid.[109] The opinion noted that the city reserved unlimited authority and discretion to determine who may transfer interstate passengers and baggage between railroad terminals, but that the Interstate Commerce Act precludes the city from exercising any veto power over transfer service when performed by railroads or their chosen agents. The Congressional policy is to provide for smooth, continuous and efficient flow of railroad traffic from state to state subject to federal regulation. It would be inconsistent with this policy, said Justice Black, if local authorities retained the power to decide whether the railroads or their agents could engage in the interterminal transfer of interstate passengers. "National rather than local control of interstate railroad transportation has long been the policy of Congress." If states could do what Chicago seeks to do here, there could be serious impediment to this traffic. While there is a great deal of permissible local control over the streets—as regards such matters as traffic signals, speed limits, and safety measures—no one suggests that Congress cannot require the city to permit interstate commerce to pass over those streets. It was concluded that Chicago has no power to decide whether the Railroad Transfer Service can operate a motor vehicle service between terminals for the railroads, because this service is an integral part of interstate railroad transportation authorized and subject to regulation under the Interstate Commerce Act. Three Justices, Harlan, Frankfurter and Burton, dissented on the ground that the action was premature, not on the merits.

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[106] Eubanks v. Louisiana, 356 U.S. 584 (1958).

[107] Griffin v. Illinois, 351 U.S. 12 (1956). See this REVIEW, Vol. 51, pp. 191–193 (March, 1957); Bertram F. Willcox and Edward J. Bloustein, "The Griffin Case—Poverty and the Fourteenth Amendment," *Cornell Law Quarterly*, Vol. 43, pp. 1–26 (Fall, 1957); Note, "Aid for Indigent Litigants in the Federal Courts," *Columbia Law Review*, Vol. 58, pp. 832–853 (June, 1958).

[108] Eskridge v. Washington State Board of Prison Terms and Paroles, 357 U.S. 214 (1958).

4. *Intergovernmental Relations*

Federal Supremacy. The California Public Utility Code provides that carriers may not transport government property at rates other than those approved by the state Public Utilities Commission as "just and reasonable." There is a great deal of military traffic in the state, and for many years the United States has negotiated special rate agreements with carriers of its property, on terms equal to or lower than ordinary commercial rates. The United States filed suit for declaratory relief in a three-judge federal district court, asking that the statute be declared unconstitutional insofar as it prohibited carriers from transporting government property at rates other than those approved by the Commission. The district court granted the relief prayed for, and dividing 6–3, the Supreme Court agreed.[110] The Court held, first, that there was an "actual controversy," "present and concrete," since the Commission had in fact denied highway carriers permits under this law and had plainly indicated its intent to enforce the act. Secondly, the Court ruled that the primary jurisdiction doctrine did not apply in this instance, because the only issue was a constitutional one, whether the United States can be subjected to the discretionary authority of a state agency; and this is not for the Commission to entertain. Said Justice Douglas: "where the only issue is whether it is constitutional to fasten the administrative procedure onto the litigant, the administrative agency may be defied and judicial relief sought as the only effective way of protecting the asserted constitutional right." Thirdly, the Court held that relief was not barred by the Johnson Act, 28 U.S.C. §1342, which, in general, provides that federal courts shall not enjoin, suspend or restrain the operation of or compliance with rates fixed by state administrative agencies, since the challenge in this case was not to a rate "order" but to a statute which required the government to submit its negotiated rates to the state Commission for approval. Finally, on the merits, the Court ruled that the state statute was in conflict with national policy as stated in federal procurement statutes and regulations, and was thus invalid under the Supremacy Clause. California is not at liberty to impose restraints upon the comprehensive federal procurement policy. Where there is a conflict between the federal policy of negotiated rates and the state policy of regulated rates, the latter must give way. The three dissenting Justices thought that the Court was acting prematurely since they did not know how the state would apply the statute, and they argued that it ought not be assumed that the state will be insensitive to the federal interests involved.

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[109] Chicago v. Atchison, Topeka & Santa Fe R. Co., 357 U.S. 77 (1958).

[110] Public Utilities Commission of California v. United States, 355 U.S. 534 (1958).

Delegation of Federal Legislative Power to the States. In *United States* v. *Sharpnack*[111] the Court sustained the constitutionality of the Assimilative Crimes Act of 1948 insofar as it makes applicable to a federal enclave a subsequently enacted criminal law of the state in which the enclave is situated. The district court had dismissed the indictment on the ground that Congress may not prospectively assimilate state statutes enacted after the federal statute. The Supreme Court disagreed, pointing out that the Congressional policy of general conformity to local law for federal enclaves dates from 1825, and that this policy had been repeatedly confirmed by an unbroken series of Assimilative Crimes Acts. The Court held that undoubtedly Congress may validly adopt a criminal code for each federal enclave, but that as a practical matter the basic policy decision of Congress must proceed largely on a wholesale basis. The fundamental reason for adopting local laws is not so much because Congress has examined them individually, as it is that the laws are already in force throughout the state in which the enclave is situated. The legislative decision is to conform with local laws as to all offenses not punishable by any enactment of Congress. And, "whether Congress sets forth the assimilated laws in full or assimilates them by reference, the result is as definite and as ascertainable as are the state laws themselves." Since Congress has the power to assimilate state laws, it may renew such laws annually or every day, and after 123 years of experience with the policy of conformity, Congress may enact the policy in its most complete and accurate form. The Court ruled that this is not a delegation by Congress of its legislative power to the states, but rather "a deliberate continuing adoption by Congress for federal enclaves of such unpre-empted offenses and punishments as shall have been already put in effect by the respective States for their own government." Finally, the Court noted many examples of uses made by Congress of future state legislation, as in connection with the Webb-Kenyon Act of 1913, the Federal Black Bass Act, the Johnson Anti-Gambling Act, the Federal Tort Claims Act, the Social Security Act and the Bankruptcy Act. Justices Douglas and Black dissented, arguing that the power vested in Congress to make criminal laws calls for the exercise of legislative judgment which cannot be delegated either to the President, or a department, or the states, and they asserted that "convenience is not material to the constitutional problem."

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[111] 355 U.S. 286 (1958). See Note, "The Federal Assimilative Crimes Act," *Harvard Law Review*, Vol. 70, pp. 685–698 (February, 1957).

State Taxation of Federal Instrumentalities. Aspects of the recurring problem of intergovernmental tax immunity were re-examined in some detail in several important cases. One dealt with a Michigan tax law which provides that when tax-exempt real property is used by a private party in a business conducted for profit, the private party is subject to taxation to the same extent as though he owned the property. The United States leased an industrial plant it owned in Detroit to a corporation at a stipulated annual rental for use in the corporation's private manufacturing business, the lease providing that the corporation could deduct from the agreed rental any taxes paid under state statutes, though the government reserved the right to contest the validity of such taxes. The Court held that while a state cannot constitutionally levy a tax directly upon the government of the United States or its property, without the consent of Congress, it is also settled that the government's immunity does not shield private parties with whom it does business from state taxes imposed on them merely because part or all of the financial burden eventually falls on the government.[112] Here the tax was on private lessees and users of tax-exempt property who use such property in a business conducted for profit, the taxes are the personal obligation of the private lessee or user, and there is no levy against the property or treasury of the United States. The distinction between a tax directly on property and a tax upon the beneficial use of property was described as having long been a commonplace in this country.[113] It was also noted that today the federal government does business with a vast number of private parties, and that the tendency of decision has been to reject immunizing these parties from nondiscriminatory state taxes as a matter of constitutional law. In a companion case,[114] the Court reached the same conclusion where the property was not under a formal lease but rather under a "permit" arrangement, and where the corporation was using the property in the performance of contracts with the government. The vital point is not the verbal formulation, for "otherwise immunity could be conferred by a simple stroke of the draftsman's pen," but rather that the corporation was not a servant of the United States and was using the property in connection with its own commercial activities. Though it had a contract with the government, it was still acting as a private enterprise selling goods to the United States.[115] In both of these cases Justices Whittaker and Burton dissented, since they regarded these taxes as having been levied directly upon property interests of the United States, whatever labels the state may choose to utilize.

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[112] United States v. Detroit, 355 U. S. 466 (1958).

[113] United States v. Allegheny County, 322 U.S. 174 (1944), was distinguished on the ground that there the tax was a general *ad valorem* property tax laid on government property in the hands of a private bailee; the tax was on the property and not on the privilege of using or possessing it.

[114] United States v. Township of Muskegon, 355 U.S. 484 (1958).

In a third tax case the Justices split 5–4.[116] Here the taxpayer was acting as a subcontractor under a prime contract between the United States and two other companies for the manufacture of airplane parts. By agreement, title to all parts, materials and work in process acquired by the subcontractor vested in the United States when, as from time to time, it received partial payments from the prime contractors, even though it retained possession. A majority of the Supreme Court upheld a tax assessed against the subcontractor which in part was based on the value of the materials and work in process in its possession to which the United States held legal title under the title-vesting provisions of the subcontract. It was stressed that these taxes were not levied directly against the United States or upon its property, but rather that they were imposed on a private corporation, no effort being made to hold the national government accountable. It was not regarded as decisive that the state called its tax a personal property tax, for judges must look through form and behind labels to substance. In this case the tax was on a private party possessing government property which it was using or processing in the course of its own business. "Lawful possession of property," said Justice Black, "is a valuable right when the possessor can use it for his own personal benefit." While it was true that the state statute did not expressly say that the person in possession was taxed for the privilege of using or possessing personal property, "to strike down a tax on the possessor because of such verbal omission would only prove a victory for empty formalisms."[117] Writing in dissent, Justice Whittaker noted that the government had complete and absolute title to the materials prior to the assessment date, and he insisted that such property is constitutionally immune from a general state *ad valorem* tax imposed directly on materials owned by the government. Also writing in dissent, Justice Frankfurter argued the difference between taxing the enjoyment of otherwise tax-free property and taxing the property itself. Justice Harlan also filed a dissenting opinion to stress the basic distinction between property and privilege taxes.

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[115] Curry v. United States, 314 U.S. 14 (1941), which involved a cost-plus contract with the government, was held to be squarely in point.

[116] Detroit v. Murray Corporation, 355 U.S. 489 (1958).

[117] Again United States v. Allegheny County, 322 U.S. 174 (1944) was distinguished on the ground that there the tax was laid on government property as such, whereas here the tax is specifically on the person in possession, the state being careful not to attempt to tax the government's own interest in the property. The Court cited as controlling Esso Standard Oil Co. v. Evans, 345 U.S. 495 (1953), which upheld a tax levied on the storage of gasoline for the United States.

Full Faith and Credit. In 1951 a New York court granted Brewer a decree of divorce from his wife, and custody of their five-year old daughter was awarded to the paternal grandfather, pending discharge of her father from the Navy. The child has been living ever since in North Carolina with the grandfather. In 1954 the mother asked the New York divorce court to modify its decree and award her custody of the child, to which the court agreed over the opposition of the father and grandfather, who presented affidavits. Fourteen months after the custody decree had been modified, the mother took her first steps to enforce her custody award by bringing an action in a North Carolina court to get the child, demanding full faith and credit for her New York decree. In opposition the father and grandfather presented new evidence not previously offered in New York. The North Carolina court concluded on the basis of changed conditions that the child would be better off where she was, and held that it was not bound to give effect to the New York decree. On appeal the Supreme Court of North Carolina affirmed, approving the trial court's findings, and without specifying any reasons upheld its "conclusion of law." Alternatively it held that the New York decree was not binding because the divorce court had no jurisdiction to modify its original custody award after the child became a resident of North Carolina. The Supreme Court of the United States remanded the case to the state court for a clarification of the basis of its holding, and thus declined to decide the constitutional question.[118] The Court ruled that if the state courts squarely hold that circumstances have changed so that now it is in the best interests of the child to remain where she is, then the constitutional question does not have to be decided. Dissenting alone, Justice Frankfurter argued that the judgment below should be affirmed on the ground that the Full Faith and Credit Clause does not require a state to give effect to a custody decree of another state, whether or not there had been a change of circumstances. The purpose of the Full Faith and Credit Clause, he insisted, is to preclude dissatisfied litigants from taking advantage of the federal character of the nation by relitigating in one state issues already duly decided in another, thus promoting certainty and finality in the law. But when it comes to the custody of children this purpose is subordinated to another consideration, the welfare of the child.

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[118] Kovacs v. Brewer, 356 U.S. 604 (1958). See: Herbert R. Baer, "The Law of Divorce Fifteen Years after Williams v. North Carolina," *North Carolina Law Review*, Vol. 36, pp. 265–296 (April, 1958); Kurt H. Nadelmann, "Full Faith and Credit to Judgments and Public Acts," *Michigan Law Review*, Vol. 56, pp. 33–88 (November, 1957).

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BOOK REVIEWS

Sovereignty: An Inquiry into the Political Good. By Bertrand de Jouvenel. Translated by J. F. Huntington. (Chicago: University of Chicago Press. 1957. Pp. xiii, 319. $4.50.)

In this sequel to his highly regarded study of political power, Bertrand de Jouvenel, economist and political scientist, displays the same capacity for fresh and original handling of ancient topics that distinguished his earlier volume. These three-hundred-odd pages are packed with brilliant insights, bold *obiter dicta,* and refreshing illustrations of familiar views. The book makes stimulating reading for anyone interested in political theory, whether he be historically-minded, analytically preoccupied, or empirically oriented. There are enough working hypotheses suggested here to keep the Ford Foundation's behavioral teams busy for the next generation, even if their funds should be increased many times.

The book is divided into four major parts, dealing respectively with authority, the political good, the sovereign, and liberty. They are closely related to one another and form one systematic whole. The entire analysis is premised upon the "primordial character of the problem of who decides." In this respect, de Jouvenel's treatise is a part of a broad front of political scientists who would make political science a study of decisions. The reviewer himself was more inclined toward this "decisionism" some twenty years ago than he is now, but since de Jouvenel does not develop this issue here, it is mentioned only for general orientation. It is significant, and worth noting, though, that liberty in this perspective appears either as "power" or as "dignity," yet the author's discussion eventually works around to the distinction, in this reviewer's mind decisive, between "liberty as participation and as isolation." The use of the term "isolation" is revealing and indicative of the author's conservative bent (he considers himself a liberal monarchist). In a more progressive view, such "isolation" might be more favorably designated as "independence."

In some respects the most significant part of the book is contained in the chapters on "authority." Like other conservatives, de Jouvenel believes that authority has "declined," and he laments this decline. It seems to this reviewer that there is rarely any evidence offered for this alleged "decline," except in terms of the decline of *some* authorities, namely the ones accepted by the author (Hannah Arendt has even claimed, in her paper in *Nomos I, Authority* (1958), p. 81, that authority has vanished). Nor is there any evidence offered here. Authority is defined as "the faculty of gaining another man's assent," which to Jouvenel appears "the efficient cause of voluntary association." It seems difficult to believe that this faculty has "declined." It would seem to me that there is a danger here that authority and leadership become confused. Some of the illustrations offered, such as that of the man who blows the whistle for the crew, reinforce this suspicion; at a later point, authority is interpreted as a kind of power. This way of approaching the problem of authority leads the author, however, to one of his more interesting discussions: namely, that of types of leadership in terms of the contrast between the man who stirs his fellow men into action, and the man who moderates and adjusts conflicts. For these de Jouvenel employs the terms *dux* and *rex*, and he felicitously recalls two symbols of this contrast familiar to all Frenchmen: Napoleon on the bridge at Arcola, and Saint Louis sitting under the oak and dispensing justice. Both of these leadership types are essential to society, the one because of the need for innovation, the other because of the need for stability and order. "An authority which guarantees to a society stability of environment" is "*the* focal point of a society." The author gives generous credit to a French historian, Georges Dumézil, who in two penetrating classic studies had focused attention some twenty years ago upon this dichotomy in patterns of leadership.

In connection with authority, in de Jouvenel's view, the problem of the group becomes decisive, since authority is the efficient cause of free association. He distinguishes three kinds of group: first, the family, which he calls "the hearth," which may be "seen gathered about the mother and protected by the father," a poetic, if somewhat anachronistic, portrait. The second he calls the "milieu of existence," meaning the broader cultural setting that envelops man at several levels from the local community to the nation. The third is "the team of action" whose group character is shaped by the "project" and whose core is the "man of the project" or the "master builder." It is evident that we have here, in a new form, the familiar dichotomy of the *Gemeinschaft* and *Gesellschaft* which Toennies suggested and which has played such a role in all discussions on community. But in de Jouvenel's hands, this distinction becomes significantly related to the types of leadership and authority; for the team of action is evidently the sphere of the *dux:* that is, of the *promoteur* who gathers around him a group who will change existing society.

Perhaps enough has been said to whet the appetite of the interested reader. Reviewers of novels usually avoid giving the plot away—a practice not generally approved among scholars. But since space is limited, only some broad indications can be made to suggest how the story unfolds. As for the political good, we find that "justice cannot rule in society," because "justice is a quality, not of social arrangements, but of the human will." The reviewer is of the opposite opinion regarding the latter and believes that (political) justice as a general category relates political actions to the values and beliefs prevalent in a political community. Curiously enough, it leads him to the same conclusion that justice cannot be "realized," because the values and beliefs are too varied, in practically all communities we know. The argument about justice leads on toward sovereignty. Having defined authority as he did, de Jouvenel is confronted with the problem of the relation between "authorities." He does not propose to give a history of sovereignty. His prime object, he tells us, is to call attention to "a neglected problem: the content and substance of decisions couched in the imperative." It does not seem a neglected problem, exactly, and some of the author's own historical references show it. One could wish for space to review, criticize, and praise the selection of historical views presented. They all revolve around and culminate in the critique of the notion of "absolute sovereignty" as it finally appeared in Hobbes and Rousseau. "The theory of sovereignty of the people, as generally advanced in our time, is but a new version of the theories of despotism advanced in the seventeenth and eighteenth centuries. . . . " This is all very sound, if familiar. " . . . The presence of adequate checks is the condition on which every organ (in the polity) functions well." To put it another way, in the author's terminology, a balance is needed between *rex* and *dux*, between the legislative, the judicial, and the executive, as the early Americans would have said. That the idea is familiar is no real criticism. De Jouvenel knows well that "man is no great inventor of ideas." Resignedly he comments, "The good ones are far from new, and the bad ones are no less antiquated." It seems a real achievement, just the same, to have put some of the good old ideas into new garb, to express them in words that are meaningful and challenging today. Anyone will, in reading this book, find himself stirred into reviewing his ideas, his cherished assumptions and unexplained major premises. What more can one ask of a study in political theory?

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Approaches to the Study of Politics. EDITED BY ROLAND YOUNG. (Evanston: Northwestern University Press. 1958. Pp. xxx, 382.)

If those who met at Northwestern University in the mid-50's to discuss alternative ways of studying the world of politics represent what is actual and incipient in American political science, there is no reason, save one, to be concerned about the health of the discipline. For here is a rich offering of complementary approaches, approaches that overlap, criss-cross, and fuse as if to mock the editor's all-too-neat classification of contents. However concealed, there is drama here, not *in* any of the essays but *between* them. Cumulatively, the collection cannot help but impress the reader with the polyglot, variegated, multi-form character of the prevalent ways of coping with matters political.

In fact, it is this very pluralism—dazzling, aggressive, exuberant—that perturbs at least some of the contributors. These would have us act on the realization that "we are all working at the same problem" despite an unfortunate "lack of an agreed-upon set of categories of description" (p. 39). They would have us quest for "a more orderly theoretical basis for organizational analysis" (p. 14). They would have us regret that "contemporary political science has no unity of outlook, method, and purpose" (p. 68). Seemingly reacting against a messy empiricism, Richard C. Snyder makes fully explicit a wide-spread hope for unified subject matter, more inclusive categories, interdisciplinary convergence, purified vocabularies, formal analytical models, and data sufficiently abstract to allow for comparative treatment. More often, the contributors' desire for integration, unity, and order—above all, perhaps, for linguistic discipline—finds but subterranean expression, as it does in the several proposals for formal definitions (one revealing set forming part of the appendix to Marion J. Levy's essay).

It is this thrust toward the devitalized and the dehumanized, the formal and the abstract, that justifies, in my judgment, a reservation about the health of American political science. My scruple may be given point by considering the rhetoric, the literary style (not to say grammar), of those who so earnestly pray for "formalization." No doubt, those who strive for abstract conceptual systems are not the only ones to damage ordinary discourse. Louis Hartz, for example, permits himself to write that "Marx is involved with Filmer, but he is even more involved, or as the American experience suggests, not involved, with Locke" (p. 81). While this is not English, an effort to make something of this sentence, an effort to perceive the complexities it suggests, is, I think, rewarding. Hardly anything is to be gained, however, from coming to terms with the radically more simple pronouncement (it is Peter H. Rossi's) that "in the course of pursuing a task, groups of individuals, who had hitherto no enduring relationship to each other, rapidly develop a social organization the nature of which affects the way in which they come to decisions and the sort of decisions made" (p. 377). This is as wholly true—who would doubt it?—as the conclusion T. M. Newcomb manages to extract from one body of research: "within certain limiting conditions communication is most likely to occur when there is less rather than more similarity of orientation among potential communicators, and its consequences tend to be those of increasing similarity of orientation" (p. 251). "It seems highly unlikely," another writer informs us, "that a decisional unit could survive constant falsifications of motives" (p. 32).

Snyder duly warns us not to succumb to those who would press us to paraphrase and thereby to vulgarize our findings. Yet how are we to resist when we affirm, for example, that "individuals seem to have characteristic limits within which they can tolerate the strain of perceived dissimilarity with attractive others, at least within a given topical area" (p. 255)? Doesn't this virtually beg for restatement? And, in restated form, is the statement genuinely engaging? Is it relevant to our burdens, our cares, our hopes?

Nor is this merely a matter of enlisting concern and interest. We are put off—certainly some of the contributors themselves are put off—by the trimming and perversion of language. It may be convenient to speak of operationalizing concepts. But must we refer to the fractionation of fields? Is it really necessary to say, in so many words, that "only when molar assumptions prove to be flatly contrary to what is known molecularly does the molar principle lose tenability" (pp. 218–19); or that "the whole fabric of society—its institutions, its subgroups, and its role structure—hinges [yes, hinges] upon the possibility of similar orientations to objects (including persons) of common concern" (p. 251); or that in cities "informal participation in friendship relations, with individual friends or friendship circles, is an extremely frequent occurrence" (p. 332)?

Yet most of this (and some of it comes not from political scientists but from those who were believed to have something important to say to political scientists) is redeemed, I think, by the useful reviews of literature dealing with structure-function analysis (Levy), the making of decisions (Snyder, Rossi), the analysis of community and organization structures (Blackwell, Hunter), learning theory (Osgood), communication theory (Newcomb), and possible models of small groups (Guetzkow). Some approaches, moreover, are stated so persuasively and provocatively as to invite their further systematic application. Thus the essays by Hartz, McCloskey, Hagan, and Morgenthau suggest possibilities yet to be explored. Furthermore, it is impossible not to learn from Scott Greer's analysis of the way the facts of urban life challenge democratic political theory or from Lindsay Roger's spirited reflections on the present-day political theory curriculum. And finally, some contributions—notably Norman Jacobson's plea for the integrity of political theory and Foster H. Sherwood's discussion of the relation between political science and law—are so evidently marked by sound sense that they merit a second look.

To single these essays out for capsule comment is not to disparage others. Collectively, they succeed in giving substance to the image of American political science as an undisciplined discipline, as essentially accessible, competitive, flexible, and dynamic. For this, two cheers are not too many.

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Soviet Marxism: A Critical Analysis. BY HERBERT MARCUSE. (New York: Columbia University Press. 1958. Pp. 271. $4.50.)

According to the author, the chief difference between Soviet Marxism and the system originally developed by Marx concerns the problem of the transition from capitalism to socialism. In the original Marxian system, he says, this can be brought about only by the revolutionary action of the working class itself. Should capitalism be overthrown, say, by a peasant revolution, the result could not be the advent of socialism. The original system also rules out the emergence of a socialist order from a revolution initiated and brought to fruition by a party, a vanguard distinct from the proletarian masses and acting independently of them, even if such a party should claim to act on behalf of the proletariat. It is clear, then, that the Bolshevik revolution was not one from which the advent of socialism could be expected on Marxian grounds: the active element in it was represented by a tightly knit revolutionary *élite* and a largely peasant mass rather than by the working class as such. Of course, no socialist revolution true to the Marxian precepts could take place in Tsarist Russia where industrial capitalism was only weakly developed. Lenin and his associates did not observe the Marxian timetable; no wonder that their revolution and its aftermath developed along un-Marxian lines.

This line of argument is, of course, a familiar one, but Professor Marcuse elaborates it in unusual fashion. He does not content himself with saying that the Bolsheviks were trying to put Marxian socialism into practice where the preliminary conditions for this, as specified by Marx, did not exist. He also offers an explanation and an excuse. In the western countries that were "ripe" for socialism by the Marxian criteria, he points out, the working class simply refused to play a revolutionary role. In view of this, the advent of socialism as conceived by Marx became a highly dubious matter. What, then, was a true Marxist to do? If he adhered to the Marxian prescriptions about revolution, the only consequence could be that there would be no revolution at all. Orthodoxy as to detail entailed betrayal of the principle, the revolutionary final objective of Marxism. It was, however, possible to rescue the substance of Marxism while deviating from it in detail. There could still be a revolution, in spite of the defection of the western proletariat, if one succeeded in raising revolutionary forces outside the industrial orbit and the western world. This is what Lenin and his associates did—they mobilized, for revolutionary purposes, the Russian peasantry, a strategy that enabled them to substitute "socialism in one country" for "world revolution." After Lenin's time, the colonial masses also were enlisted in the struggle against western capitalism. In this way, the Marxian "final crisis" of capitalism, originally conceived of in terms of domestic cleavages within the western countries, assumed the form of political tension between two powerful blocs, the East and the West. Neither being strong enough to challenge and defeat the other, they must "co-exist."

Professor Marcuse proposes to explain the basic features of the Soviet regime in terms of the realities of this "co-existence." To begin with, it was vital for Soviet Russia to develop a heavy industrial base. This in turn imposed totalitarian methods of regimentation. The Marxian concept of socialism calls for direct control of the means of production by the "immediate producers" themselves, but the Soviet regime introduced only control by the state. There was "nationalization," but no "socialization." Actual conditions did not correspond to the Marxian image of socialism. The Soviet regime, however, did not acknowledge this discrepancy. It pretended that its principles and policies were genuinely socialist and Marxian. Hence, the regime's language became permeated with "ideological" falsehood. What it asserted day in and day out was controverted by the most palpable, direct evidence.

This, too, has been observed before, but here again Prof. Marcuse draws unexpected conclusions. "Taken by themselves," the Soviet regime's assertions about its genuinely socialist character are "obviously false." This falsity, however, does not "invalidate" them in their proper context, because the validity of this kind of statement does not depend on truthfulness in the ordinary sense. The Soviet falsehoods are "magic" formulae which, if repeated day in and day out, help to bring about the facts that they falsely assert to be already in existence. In this sense, the untrue, magical formulae are related to historical truth (the truth about the final advent of socialism). They are "turned into an instrument for rescuing the truth" (p. 88).

This pattern of reasoning runs through the whole book. The liberal and Marxist critique of the Soviet regime is reproduced only to be dismissed as irrelevant. Soviet Marxism, Professor Marcuse feels, cannot be properly judged on the basis of its past record or of the truthfulness of its utterances. The only thing that counts is what one may expect from it in the future. Will the Soviet Union perpetuate a repressive, tyrannical regime? Or was its totalitarian dictatorship merely a necessary stage that had to be traversed in order to prepare the advent of a truly socialist, classless society? A final judgment about Soviet Marxism will be possible only when enough data are available to answer these questions.

The facts known to date, Professor Marcuse says, permit no "workable hypothesis" as to the final *dénouement,* but his "critical analysis" is clearly oriented toward the second alternative. At least, it cannot be ruled out on the basis of our present knowledge: "negatively, it seems that nothing in the structure of Soviet society would exclude such a long-range development" (p. 188). And positively, the observable trend runs in the direction of the relaxation of domestic terror and the easing of international tension. Soviet economic policies are aimed at creating those conditions of plenty under which true, democratic socialism or communism becomes practicable. The main obstacle in the way of this is the heavy military expenditure that is imposed by the international situation. This tends to strengthen and perpetuate the repressive features of the Soviet regime; in the West, it tends to stabilize the capitalist economy and to stifle the revolutionary propensities of the proletariat. Totalitarian repression in the East and rigid stability in the West mutually condition each other. "The history of Soviet society seems to be fatefully linked to that of its antagonist. Over and above the construction of socialism or communism in one country and in one orbit, the essentially international element of socialism seems to prevail" (pp. 189 f.). In other words, socialism cannot triumph as long as the East-West cleavage persists.

Can this deadlock be overcome? The first thing needed would be the self-liberation of the Russian masses, but this is impossible as long as the antagonism between East and West continues to exist. What is more, self-liberation remains questionable even in case international tension subsides. In the concluding part of his book, dealing with the ethics of Soviet Marxism, Professor Marcuse discusses the possibility that long conditioning under totalitarian pressure may have weakened the moral fiber of the Russian people to such an extent that they no longer are capable of any movement of self-assertion against the state. This trend also is world-wide; "security" has supplanted "freedom" as an ideal in the West too.

The discussion becomes exceedingly confused at this point; the author first denies (p. 260) and then asserts (pp. 266 f.) that a sound ethical value system must be anchored in the moral autonomy of the individual. It remains obscure whether the loss of moral autonomy is or is not compatible with the emergence of the good society which for Professor Marcuse is the "socialist or communist democracy." The final conclusion, however, seems to be that, aided by the trend toward relaxation and a welfare economy, the libertarian components of Marxism may still come to the fore in the Russian society.

Professor Marcuse's analysis treats Soviet Marxism as a stage in mankind's struggle toward freedom and socialism. It pertains more to social mythology than to political critique. It is, of course, necessary to look at the Soviet system as a changing entity and to explain Soviet policies in terms of the international environment. In this undertaking, however, unreal concepts such as the revolutionary mission of the proletariat or the control of the economy by the "immediate producers" do not seem to me to be helpful.

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Progress in the Age of Reason. By R. V. Sampson. (Cambridge, Mass.: Harvard University Press. 1956. Pp. 259. $4.25.)

This book is an attempt to reappraise the idea of progress in the light of the tradition from the "age of reason" to Marx, and to see and to evaluate the development of a "philosophy of history." Since the author seems to regard that development as a progressive one, we may regard the work as a progressive interpretation of progress. The organization is partly historical and partly systematic, which makes it difficult to see to exactly what age the author assigns progress and "reason." Sampson suggests (p. 10) the importance of a study of the "traditions of the Eighteenth Century in Europe," but the analysis includes Descartes and Pascal and, briefly, Bacon, but not Machiavelli or Bruno.

Sampson's book is a learned one about a very serious problem. He is deeply concerned with the efforts, many of them futile, to find progress in moral problems. He recognizes that a progress that does not include progress towards a "rational ethic" is no progress at all (p. 243). He knows that men cannot live without justice and virtue and seems to realize that a social science that ignores that fact is woefully incomplete. He has called my attention to a number of works with which I am unfamiliar, and the analysis of those works is interesting.

When that is said, it is hard to put into a brief review just what there is about this book that is so unsatisfying. The ground covered has been covered, in one way or another, quite often, but a new interpretation would be most useful if, as indeed the jacket claims, "the ideas of such thinkers as Bacon, Descartes, and Pascal are closely analyzed." The trouble is that they are not. They are analyzed rather superficially and, at the risk of being charged with quibbling, I must give a few illustrations of the author's rather glib judgments. Descartes is criticized for not understanding the significance of historical knowledge (pp. 24–27). The quoted passage (p. 24, from Descartes, *Ouevres et Lettres*, Bridoux ed., 564) does not, in context, deny that an individual's knowledge may relate to his knowledge of the past. Descartes merely affirms that those who have been brought up with the "wrong" philosophy will have a harder time unlearning it than those who have none at all, precisely as we should say today that a man who has never taken a course in philosophy has a better chance of knowing how to act in moral and political questions than one who has studied with a positivist. After discussing three uses of the word "natural," Sampson says that these three uses were "rarely, if ever, distinguished from each other" in the Eighteenth Century (p. 68). A more careful study of the opening book of Montesquieu's chief work, or the ninety-fourth *Persian Letter*, or Rousseau's Second *Discourse* would simply refute this statement. Locke is accused of "evident inconsistency" (p. 43), and the word "confusion" is applied to such philosophers as Hobbes, Locke, Rousseau, Diderot, and others (pp. 77, 79, 82, 85). A philosopher as serious as Locke could not have been unaware of his own "evident inconsistency," and the "confusion," which in the case of Rousseau, for example, is obvious, was denied by him, and can only have been deliberate and designed to mislead the hurried reader. Bossuet is accused of an "apparent ignorance of the problem of objectivity" and, we are told, he had an "inability to doubt, even for a moment, the absolute truth of his own cosmic faith" (p. 102). What someone was unable to doubt, even for a moment, is something no objective historian would claim to know. Sampson refers to the "superficial aridity" of much of the political writing of pre-revolutionary France. If that statement includes Montesquieu and Rousseau, it is insulting. If not, why restrict it to pre-revolutionary France? The author says that Aristotle repudiated the antithesis between nature and convention. The distinction, at least, between nature and convention, runs through Aristotle (*Nich. Eth.*, 1093 a 28 ff., 1134 b 18 ff., 1144 b 4 ff.; *Politics*, 1269 a 4 ff.; 1276 b 29 ff.; *Metaphysics*, 990 a 3 ff.), and, without some such distinction, political philosophy would be impossible. There are many similar problems: Rousseau's relation to the state of nature (p. 148), Kant's relation to Aristotle (p. 172), and Hegel and Marx on the death of philosophy (pp. 206–7), where I believe a closer examination would have served to modify the author's statement.

If seems to me that Sampson makes these and other doubtful statements because he accepts the common prejudices of historicism as "truisms" (pp. 5–6, 241). While he is critical of many kinds of faith in progress, it is clear that he regards the course of thought that he describes as, in some ways, progressive. Because of that, he can contrast modern science with "legend and superstition" (p. 14) rather than with pre-modern science, as Bruno and Bacon did. He criticizes Hume, but he seems to regard Hume's indictment of the past as telling. He believes, not merely in the greatest possible precision in knowledge, as we all do, but that we actually are closer to that precision than other ages were. Because of that, he treats the philsophy of the past with something less than the respect to which it is entitled. But I can never understand Descartes, or Bacon, or Plato, unless I begin by realizing that I am reading them to find out what I do not know and what they may possibly know. I can never understand progress unless I, for example, supposing Plato and Bacon to have been wise men and honest men, study with long and loving care just why Plato's Atlantis is a horror and Bacon's New Atlantis a paradise. The trouble with the other kind of study, the quick study of the historicist, is that it is pretentious. It is not pretentious because R. V. Sampson is a pretentious man. I doubt that very much. It is pretentious because modern historicism is pretentious, supposing that great philosophers are, like ourselves, confused and often inconsistent.

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A Passion for Anonymity: The Autobiography of Louis Brownlow, Second Half. BY LOUIS BROWNLOW. (Chicago: University of Chicago Press, 1958. Pp. x, 499. $7.50.)

A less expressive and exact man than Louis Brownlow might have balanced the first volume of his autobiography, which celebrated a newspaperman's passion for politics, by calling the second part—covering the period after 1915—

a passion for administration. The phrase he chose to borrow as a title was originally supplied by a former secretary to prime ministers who said to Brownlow; "Tell the President that the way to solve his problem is to find that one man who would turn out to be another Maurice Hankey, a man possessed of high competence, great physical vigor, and a passion for anonymity." Brownlow and his associates on the President's Committee on Administrative Management in their 1937 report wisely chose to give the prescription a plural application. When the President heard it in the preliminary draft he "laughed with relish" but added, when told of its source, "Tell your British friend that he doesn't know his American press." The phrase stuck, however. When the President reached it in his press conference on the final report he said, "Sharpen your pencils and take this down. This is a purple patch you will never forget." Actually, the uneven and still unresolved working out of the idea was foretold neither in the correspondents' derision nor in the President's attempt to turn the laugh by mentioning the presence in the room of Rudolph Forster whose continuous executive service in the White House dated back to Grover Cleveland.

In Brownlow's own account of his career, he makes a good case for the word anonymity as a key to his instinctive role in public affairs whether as newspaper writer and extracurricular catalyst in politics or as advisor and instigator without intrigue during the high decades of administrative reform. It is true that, as he notes, "the most prominent, the most marked failure" in maintaining the anonymous rôle came with the chairmanship of the President's Committee on Administrative Management. It is true, too, that administrative practitioners and students knew enough of Brownlow's roving influence—although the autobiography reveals how much remained unknown—to see in this taut but genial, spunky but discreet man, with his inexhaustible gift for friendship, a public symbol of a unique period in the redirection of attention and resources for the institutional advance of administration. At bottom, however, the title of the book suits the whole man, although, as he confesses, the writing of an autobiography shows that a passion is seldom exclusive. Certainly the word suits the strategy he set for himself during the third fifteen-year period of his adult life spent as head of the Public Administration Clearing House. In 1933, when asked to become an assistant secretary of Commerce, he was tempted but found it easy to decline because (among other reasons) "I was beginning to sense that one's positive influence in persuading persons and institutions to work together seemed to be in direct proportion to one's keeping his name out of the newspapers and his personality in the background."

Brownlow's experience as an operating administrator began in 1915 at the age of thirty-five when President Wilson appointed him one of the three commissioners of the District of Columbia. His special responsibilities were for police, fire, health, and welfare; his tact as well as dispatch were tested in situations as varied as Woman's Party picketing, police unionization, espionage alarms, and an influenza epidemic. In 1920 he resigned to become the first city manager of Petersburg, Virginia. As president of the City Managers Association in 1922 he initiated a permanent secretariat, illustrating his deepening belief in the galvanizing effect of properly equipped associations of administrators. After three years at Petersburg, Brownlow went to Knoxville, Tennessee, more than double in size and lacking the *noblesse oblige* of the smaller place. He resigned three years later in the face of a bout of ill-health. His observations on the double experience are in line with a widely held judgment about the council-manager plan. On this matter, as elsewhere mostly in the book, the generalization remains implicit. In Petersburg he was complemented by having as mayor "a lawyer and a banker, a man of very great ability, an excellent speaker," whereas in Knoxville the mayor was unwilling and unable to assume the political role. "That thrust me into the vacuum," Brownlow recalls, "and, as a very natural consequence, all but destroyed me." Knoxville relapsed. Still it is worth while to quote his overall appraisal: " . . . As I have looked into this phase of politics and public administration in many jurisdictions in the United States at both state and local levels, I have become convinced that in all but extremely exceptional instances the level of performance, once raised, never drops back all the way."

A brief hiatus in the practice of administration followed for Brownlow, after recovering his health, during which he was associated with David Lawrence in syndicated articles on municipal affairs and later in promotional work for the *United States Daily*. Soon, however, he was drawn into a novel kind of administrative work for two years at Radburn, New Jersey, in the experimental project of the City Housing Corporation. Brownlow's main responsibility was liaison with the local governmental units. Meanwhile he continued his contacts with Charles E. Merriam, Beardsley Ruml, Guy Moffett, and others, which led down the channel of his own ideas to the unique job created for him in 1930 as director of the Public Administration Clearing House. This development was aided by the conjunction of many factors, not least the decision of the Spelman Fund to spend its capital over a decade largely upon the improvement of public administration with emphasis upon the medium of professional associations, national and international.

The formal sponsorship for the Clearing House came by arrangement from the Committee on Public Administration of the Social Science Research Council, chaired then by Luther Gulick whom Brownlow succeeded. While the Committee lasted, its affairs interlocked with those of the Clearing House through Brownlow and his main associate of the period, Charles Ascher. Thus the study of Presidential staffing for management was originally conceived as something best done privately under the Committee's auspices but at the President's request. The autobiography gives details that are indispensable in understanding the background as well as the aftermath of the President's Committee on Administrative Management. It shows that the President's reluctance about proceeding through the Committee on Public Administration, with resulting delay, was largely on the score of foundation financing; his timing was advanced but his hand was not really forced by the Senate's move to study departmental reorganization.

Brownlow went to Chicago to launch the Clearing House confronted by an almost frightening degree of freedom but "determined that I as a person would not be subsumed by the institution, that I would be free for all possible contacts everywhere that could help us gather and distribute information, not only through documents, publications, and speeches but by every other possible means of inducing curiosity and exciting interest." It would be inappropriate here, in emphasizing the variety of anonymous influence and the value of the narrative, to catalogue Brownlow's activities apart from the administration of the Clearing House at its home base, whether in unofficial commissions of inquiry like that on public personnel, or in connection with the National Resources Committee, or in arranging for spot research at the request of government departments, or in personal advice to the President at his instance, notably in helping to shape the organizational pattern for defense and war. As to the last, a complete theory of the Presidency was implicit in the advice Brownlow gave to Roosevelt in 1939 when asked for confidential comment on the proposal of the War Resources Board that there should be a virtually single deputy for all defense mobilization activities: "Any President who accepts the recommendation of these mobilization plans would do a little better to resign." The President agreed that so much concentrated devolution would amount to abdication.

It may come as a surprise to many who have seen Brownlow in action to learn that he was a delicate boy, educated at home—which may help to account for the breadth of his reading—and that he has known much of bodily ills. After a serious heart attack in May, 1937, he thus viewed the task ahead: ". . . To get well; to reorganize my working life; to learn to leave more and more matters to my subordinates; to preside over the changing environment and atmosphere at the cluster of organizations of administrative and public officials in Chicago; and to resume my contacts in international public administration." But he records that he did not diminish the content of his activities; if anything, their range widened.

In 1945 Brownlow retired as director of the Clearing House, being succeeded by the associate head, Herbert Emmerich. The organization continued until 1956. "At the end of twenty-five years," Brownlow remarks with impliedly qualified acceptance, "it was obvious that the success of the Clearing House had destroyed many of the more obvious reasons why a foundation might give it money." Meanwhile Brownlow himself had moved increasingly into a calling where happily there need be no true retirement. He writes of his fruitful years with the Clearing House that he considered himself "toward the end to be much more, in my own fashion, an educator than an administrator, but never forgetting my proper role, never laying down rules to guide others, avoiding except on rare occasions that doom of the anonym which is the lifeblood of the professor—publication." The reasons for such compunction are over and we shall not take the earlier book on the Presidency and even two full volumes of autobiography as the end of this sage man's lively observations on the arts of government.

ARTHUR W. MACMAHON.

Columbia University.

Executives for Government: Central Issues of Federal Personnel Administration. By Paul T. David and Ross Pollock. (Washington, D.C.: The Brookings Institution. 1957. Pp. x, 186. $1.50.)

The Administrative State: An Introduction to Bureaucracy. By Fritz Morstein Marx. (Chicago: University of Chicago Press. 1957. Pp. x, 202. $4.00.)

Leadership in Administration: A Sociological Interpretation. By Philip Selznick. (Evanston, Ill., White Plains, N.Y.: Row, Peterson and Company. 1957. Pp. xii, 162.)

At first glance, each of the three books listed above appears to fall into a different category in the literature of public administration. David and Pollock's study might be described as instrumentalist and policy-oriented, drawing heavily on clinical studies of administrative organizations in operation. Marx's "introduction to bureaucracy" appears to be a study in comparative administration. And Selznick's "sociological interpretation" seems to belong to the literature of theories of organization and organizational behavior. However accurate such designations may be, they are misleading. For the first bears the identifiable stamp of the Brookings "problem paper"; the second, for all its historical learning and references to the record of various sovereign states, is the product of perceptive observation and experience rather than research guided by a conceptual framework of comparative analysis; and the third happily is devoid of a single word of jargon and deals in stimulating fashion with a subject that has been neglected in the current literature of organizational theory. Their common concern with some personnel aspects of large organizations justifies a joint review.

The David and Pollock book deals with the meaningful problem of public policy of finding, developing, and holding a sufficient supply of qualified executives for the federal government. In accordance with the Brookings philosophy of the problem paper, it first states the issues likely to be faced by those involved in debating and resolving the problem. Then it states alternative courses of action, noting the apparent advantages and disadvantages of each alternative and the probable consequences of their adoption. The authors include their own assessment and judgment of the most appropriate solution. However, the format is based on the notion that, in dealing with a complex problem of policy requiring clarification, a review of alternatives is likely to be more helpful than the advocacy of any particular set of conclusions. The approach inevitably involves some repetition and a loss of momentum. Since more than fifty letters of comment from interested persons were considered in its final revision, it bears the earmarks of many minds. What it has gained from such accumulated wisdom, it may have lost in readability and sustained interest.

Executives for Government outlines four major issues of central importance: How can a sufficient supply of qualified executives be provided for the executive branch of the federal government? What relative emphasis should be given to career and program staffing concepts in filling the higher nonpolitical posts in the civil service? What should be done to provide a more effective career service system for the upper levels of the federal civil service? Where should the line be drawn between political and nonpolitical appointments in the upper levels of the service, if such a line is to be drawn? The authors are pessimistic about possibilities for expanding the supply of qualified political executives. While career staffing was found to be the normal practice in the federal civil service, "a balanced use of program staffing is needed to provide additional skills, competence, and motivation." They reject the second Hoover Commission's far-reaching proposal for a senior civil service in favor of slow, gradual progress toward that goal. They find difficulties with all proposals for a clear line of demarcation between political and nonpolitical appointments and suggest instead some expanded use of nonpolitical appointments on a program staffing basis. Generally this is a careful, sober, restrained, if somewhat labored, treatment of an issue that has hitherto created heated controversy.

In *The Administrative State,* which unnecessarily adopts the title of an earlier work by Dwight Waldo, Fritz Morstein Marx analyzes the bureaucracy of the modern welfare state. In the first four or five chapters, the book moves slowly through various schemes of classification: three principles of administrative structure; six characteristics of bureaucratic structures; four aspects of bureaucracy; four requirements of public administration met by modern bureaucracy; four types of bureaucracy; and two safeguards of civil service status. There is little new or fresh material in these chapters. However, once Marx frees himself from taxonomy, the book becomes more interesting, more perceptive, and more readable. In the chapter on "The Bureaucratic World," for instance, he explores the pathology of the civil service. He depicts the day-by-day grind of the individual in his circle of operation and his tendency to minimize his responsibility by shifting it to others. He analyzes the influences upon human motivations arising from the activity of dedicated men, the search for protective alliances, and the existence of rival interests. He characterizes the economics of civil service as the "economics of small chances"; "the bureaucracy is not the place for those who want to make money, to rise fast, to venture far, or to stand on their own." Step-by-step advancement, which in turn fosters "the settled ways of seniority," helps to explain "why the bureaucracy so often appears to trudge along in the rear of fresh thought and innovative change." The group process in large-scale organization is viewed as a two-way process. "It makes achievements possible only through collaboration," but it also "forces man's efforts into grooves, denies him the taking of chances the institution will not allow, and saps his initiative by pinning him down to compromises with those who look over his shoulder."

In the chapter on "The Making of the Career Man," Marx discusses the formative force of standards of selection in the bureaucracy and canons of conduct which govern it. He suggests that the absence of an institutionally recognized higher career in the civil service has arrested the formation of a professional sense of service ethics and has led instead to a reliance upon statutory "thou shalt nots." In discussing "The Integrity of Service," he deals with the responsiveness of public administration to political direction, the legal redress of administrative wrongs as administrative authority collides with private interests, and the civil servant's exercise of political rights. In "Concepts of Service," he explores the question: Who is the master of the civil servant? For whom does he work? His superior, his division, his department? The public, the nation, the common good? While Marx deals more with the pathologies than the positive achievements of the modern civil service bureaucracy, he recognizes the existence of a distinctive quality, "the career man's mind," which "represents a reasonably predictable disposition, a way of looking at things, a tendency to give attention to the broader continuities in departmental activities, beyond the passing urgencies of the hour." Above all, the civil servant is strongly disposed to remain the faithful servant because of veneration of the letter of the law and a deep-seated respect for the legal limits of administrative authority. The civil servant "clings to his instructions and stalls without them"; he has little inclination "to take over the business of governing or to undermine the constitutional system." In a final chapter, Marx makes the case for a fuller understanding, by political leaders and the top cadre in the civil service, of the relationship between political direction and technical competence.

Marx illustrates much of his analysis by references to the administrative history of China prior to 960 A.D., the Roman Empire in the century after Diocletian, Japan under the Meiji Constitution, Brandenburg-Prussia in the late seventeenth century, Britain in the nineteenth century, Jacksonian democracy in the United States, present-day France, and many others. While they are interesting and informative, they give the book a somewhat episodic quality.

Selznick's study is an important contribution to the scientific study of large organizations. Instead of focusing its attention on the behavior of small groups or masses of employees, it spotlights the highest echelons in large organizations in order to explore the meaning of institutional leadership. At the outset Selznick rejects the concern of making organizations more efficient as impractical for a study of administrative leadership. The logic of efficiency (increasing output, improving incentives, facilitating communications, etc.), he declares, loses force as one approaches the top of the administrative pyramid. Moreover, it tends to overstress means and to neglect ends; it slights the problem of defining and safeguarding the ends of the enterprise. Moreover, it stresses organizational techniques which are essentially neutral and which are not adapted to a distinctive type of organization or to a particular stage in the development of the organization.

The institutional leader is described primarily as an expert in the promotion and protection of institutional values. He is above all characterized by a concern for the organization as a whole and for its self-maintenance. One of the important generalizations stated early in the book is that "the more precise an organization's goals, and the more specialized and technical its operations, the less opportunity there will be for social forces to affect its development." Consequently, "leadership is most needed among those organizations, and in those periods of organizational life, where there is most freedom from the determination of decisions by technical goals and methods." The institutional leader deals not with routine processes and decisions but rather with "critical decisions," decisions affecting institutional development. The greater the range of alternatives available, the less dispensable is leadership. Certain organizational practices can enter the critical experience of leadership, such as basic recruitment policy, the training of personnel, the representation of internal group interests in the organization, and its cooperation with other organizations. Decisions in these matters become grist for the mill of the institutional leader when they involve the infusing of values into the social structure of the organization and the molding of its character. Leadership, therefore, goes beyond the attainment of efficiency. Its functions include the definition of group goals, creating an organization capable of fulfilling its mission, and upholding the distinctive aims and values of the organization.

In Selznick's analysis, the leader's task of defining the mission and role of his organization requires something more than precision and clarity. A leader must also take into account the internal state of the polity ("the strivings, inhibitions, and competences that exist within the organization") and the external expectations "that determine what must be sought or achieved if the institution is to survive." He agrees with Waldo and Long that mission cannot be adequately defined without determining the basic methods and tools of the organization and its place among related organizations. While he draws substantially on Simon's important contributions to the theory of organization, he rejects his concept of a value-free science of administration. Significant illustrations of various points in the analysis are drawn from recent American military experience and a variety of clinical studies of administration in action. Indeed the most fruitful contribution made by this book may be its demonstration of the complementary character of the case work in public administration of the past decade or so and an approach to administrative leadership informed by the insights of sociology and clinical and social psychology. Each approach enriches the other.

No sharp distinction is drawn between various phases of leadership, such as the tasks of defining mission on the one hand and building purpose into the social structure of the enterprise on the other. In ten pages of simple, unpretentious prose (pp. 91–100), Selznick outlines clearly six elements of the social structure of an organization that form a complex network of relations among persons and groups. He also demonstrates an historical awareness that helps to preserve the dynamic quality of his theory. The study of institutions, he maintains, requires a genetic and developmental approach: that is, an emphasis on historical origins and stages of growth. In the making of "critical decisions," administrative leadership needs to take into account organizational evolution, for growth stages in the life cycle of an organization closely affect such processes as the selection of personnel, the formalization of procedure, decentralization, and the defense of institutional integrity. For example, an organization's integrity is likely to be most vulnerable when the values that sustain it are tenuous or insecure. Consequently, an approach to administrative organization based on a logical association of functions may be inadequate especially in a period when the organization is under attack and requires protection against outside pressures. The administrative organization best calculated to defend institutional integrity may bear little resemblance to an organization that groups related functions under common direction. Each of these books should be read by students of administration, but the Selznick volume deserves special recognition for its readability and for its suggestive, stimulating ideas.

MARVER BERNSTEIN.

Princeton University.

Ideal and Practice in Public Administration. BY EMMETTE S. REDFORD. (University, Ala.: University of Alabama Press. 1958. Pp. xii, 155. $2.50.)

The American practice of public administration has gained a distinction that has been obscured, at least in academic circles, by doubts about theoretical foundations, philosophic values, and criteria of success and failure. In an admirably organized set of lectures at the University of Alabama, Emmette S. Redford has sought a "public philosophy for administration" by exploring five ideals that recur in the literature of the field. These are efficiency, the rule of law, competence and responsibility, democracy, and the public interest. His quest reflects the interplay of a logical mind, sensitively experienced participation in administration, and scholarly study. It reveals even more his commitment to "institutionalization of ideals" as "the supreme task of political science." This is a task, he argues, in which "informed and semi-objective judgment," resting usually on inconclusive data, must perform a function that eludes exact science.

Each of the five ideals is given its due as a moving force in administrative behavior and as a test that can be used in measuring certain aspects of administrative performance. Redford is least satisfied with the ideal of efficiency, whether in the guise of the old or the new orthodoxy. This is not because it lacks validity in the circumstances to which its more prudent adherents confine it, but because these circumstances exclude so significant a part of real-life administration. Fact and ethic, quantity and quality, neutral means and intermediate and ultimate goals are intertwined in much of administrative decision-making. Value-free decisional situations and those in which value premises are authoritatively furnished to administrators are not the most important portion of the universe of public administration.

The rule of law in its older form has lost vitality, but "administrative due process" has become integral to administration itself not only through mimicry of the courts and statutory prescription of procedures, but as well through administration's own emphasis on hierarchy, clearances, and elaborations of procedures. Discretionary policy making and program development, however, get little guidance from the ideal of the rule of law; it is a rule for procedure rather than a source of wisdom on substantive policy decisions.

Given administration's embroilment in choices among values, Redford looks for assurance to the technical and professional competence of administrative personnel and the accompanying internalization of a sense of responsibility. The broadening of values beyond those of the specialists is sought in "a layer of generalists at the top level of the professional service," a ready inflow of talent from outside the service, laymen's participation, ready access for those affected by decision-making, and effective presidential control of administration, which, in turn, "creates the conditions for effective control from the Congress."

Redford's discussion of the public interest will not satisfy definitional demands, nor yet will he concede that the concept is mystical or mythical. The concept cannot "be either escaped or canalized in a definition . . . . It signifies rationality and fraternity but it comprises also the balancing of claims, a certain priority for generally-shared needs and interests, an effort 'to trace things as far as possible before acting,' a continuing machinery for decision upon claims of interest and response to the organic and ideological developments in society."

The public interest treatment is crucial to the argument of the book. It underlies an analysis, valuable in itself, of societal and governmental arrangements that by design or chance tend to maximize the probabilities that the public interest (if such there be) will prevail. But, perhaps inevitably, the argument for the existence of a public interest will reassure the faithful rather than convert the doubtful, for Redford does not start from the skeptics' premises and there is therefore no common meeting ground.

A quest for the ideals of public administration is concerned with the *ought* as well as the *is*. By descriptive and prescriptive analysis, Redford has advanced our ability to explain observable contrasts in the distinction with which administrative responsibilities are discharged. This he could not have done by converting *oughts* into *noughts*.

James W. Fesler.

Yale University.

History of the United States Civil Service. By Paul P. Van Riper. (Evanston, Ill.: Row, Peterson and Company. 1958. Pp. xvii, 588. $7.50.)

In this ambitious volume, Professor Van Riper has made a significant contribution to the growing library of works on American administrative history. This work, inspired some twenty years ago by the late Leonard D. White, reflects in its approach and thoroughness the guiding hand of the author's great mentor. It is in the main a straight chronological record, from the early days of the Washington administration to 1958. Replete with facts, illustrations, and quotations, it is well organized and smoothly if not excitingly written. The tremendous amount of research and reading, apparently carried on over much of the past two decades, is clearly reflected not only in the text but also in the helpful bibliographical notes appended to most of the chapters and in the abundance of supporting footnotes. It will be a useful addition to the growing armory of teachers, scholars, and students concerned with the development of public personnel administration or the history of public administration generally.

The subject matter of the book is somewhat less sweeping than its title suggests. It is essentially a history of personnel administration in the Federal government with emphasis on the civil service reform movement and, in more recent decades, on details in its management. There is rather little on the evolution of the civil service as such, on Federal services outside the jurisdiction of the Civil Service Commission, or on civil service development in state and local governments. Within these boundaries, the author's treatment is thorough and comprehensive.

The over-all authority of the volume suffers from the want of a consistent set of premises and criteria against which to select, present, and appraise the facts. The writing of administrative history, like the history of any other single thread of a total culture, requires a subtle understanding of the interconnections between the subject discussed and the development of a culture as a whole. Professor Van Riper's task was an enormously difficult one because his volume covers a period of nearly a hundred and seventy years in a culture characterized by rapidly accelerating change, including change in popular value criteria as applied to government. One has the impression that the author's criteria changed, too, in the course of his research. At first, the orthodox patterns of Hamiltonianism seem dominant; later the application and extension of the "merit system," approximately as the term was employed by the National Civil Service Reform League *circa* 1900, appears to be the measure; this criterion gradually gives way, from about 1936 to the present date, to the standards of professional personnel administrators, tempered by the considerations of modern political study.

The introductory and closing chapters reveal a point of view and a penetration of insight not apparent in most of the account itself. The first of these, "The Pattern of Analysis," lays down certain assumptions as to the basic interrelations of political with economic and religious elements in historical analysis and as to the absence of any small privileged class to block democratic government in this country, as in England. These assumptions, however valid, are given scant attention in the historical section. There are occasional references to depressions and booms, to unemployment and tight labor markets; there are references also to the religious overtones of the reform movement. But not until one reaches the closing chapters does he read about the "Protestant ethic" and the "social ethic" and their relations to the personnel movement. Even here, there is little penetrating analysis of the relations between economic and political factors in the public personnel picture. This closing chapter contains a wise and provocative discussion of the need for a theory of public administration and of the idea of representative bureaucracy.

The book is, as the author states in the opening chapters, rightly concerned with the relationship between political power and the public service, and its last two-thirds is liberally sprinkled with the author's opinions about the political campaigns, the parties, the presidents, etc. Many of these would provide tasty appetizers for a series of bull sessions, and their distinctly partisan flavor adds spice to a volume largely dedicated to the anti-partisanship of civil service reform. Thus we read that "historically, the Negroes have received their greatest inducements to enter the public service under Republican administrations" (p. 242); that Wilson's administrations were generally inimical to the merit system (chs. 10, 11); and that, while there was no extension of civil service under

Harding, "it should not be assumed that the disruption of the public service through legislative action was as great as that . . . during . . . the Wilson administration" (p. 289). We are told that Coolidge was characterized by "purpose and action" (p. 291); the principal examples seem to be that he did not oppose passage of the Classification Act and that he got himself renominated and reelected. We learn that Hoover was quite right in describing himself as a "friend of the merit system" (p. 294), whereas, in F. D. Roosevelt's first term, "at first the disintegration of fifty years of experience seemed almost complete; but by 1940 an astonishing degree of order had appeared . . . " (p. 315); "for the deliberate patronage politics marking Franklin D. Roosevelt's first term . . ., the party of Jefferson, Jackson, and . . . Bryan must be given the lion's share of the credit" (p. 316); but most of the following eighty pages are descriptive of the greatest growth, qualitatively and quantitatively, of the merit system in American history, all under Roosevelt. We are assured that Eisenhower's success in marshalling the devotion of his executives has resulted in "superb staff work, unparalleled in American public administration" (p. 484); one of the principal examples of this staff work, discussed at length some pages later, was the notorious Willis Directive, prepared by a Sherman Adams assistant, surely a most flagrant, though largely unsuccessful, assault on the merit system. In assessing F. D. Roosevelt's administrative abilities, Professor Van Riper, who is fond of comparisons, asserts that "Washington, T. R., Taft, Hoover, and Eisenhower clearly outshine him, with Polk and Truman almost his equal" (p. 358). But he quickly qualifies this by stating that in comprehending the relationship of public administration and public policy—which would seem quite central to the evaluation of a public administrator today—"only T. R. and perhaps Washington rank with Franklin D. Roosevelt."

Broadsides of this order seem at best inconsistent with the scholarly standards of most of the work and scantily supported by the facts presented. The volume as a whole remains a valuable compendium of a tremendous amount of information, well organized. Its broad sweep of American history is certain to provoke in the reader further thoughts and questions about the civil service movement and public personnel generally. One that was repeatedly emphasized to this reviewer was that the transition years between parties were the really crucial and interesting ones for the merit system—in this country, the early years of Wilson, Harding, F. D. Roosevelt, and Eisenhower. Here is one point that seems to invite more intensive study, theory and ground rules.

A second, slightly perverse, observation of this reviewer is that two of the most significant benchmarks of administrative reform in American history were staked out during the two most scandalous of all our administrations. One was the Budget and Accounting Act, signed by President Harding. The other was the establishment of our first Civil Service Commission, forerunner of the Pendleton Act, by President Grant in 1871. But one hesitates to draw a hypothesis on so slight a sample.

FREDERICK C. MOSHER.

Syracuse University.

Loyalty and Security: Employment Tests in the United States. By Ralph S. Brown, Jr. (New Haven: Yale University Press. 1958. Pp. xvii, 524. $6.00.)

Professor Brown has written the definitive book on the unhappy subject of employment tests. Previously there have been case studies, discussions of procedure, legal analyses, and reviews of the judicial decisions. Most of the writing has concentrated on employment tests in the federal public service, though these have been only a fraction of the total problem. Much of the writing has been polemical, concentrating upon the obvious and distressing faults of the various programs. Often there has been no serious effort to appraise the case that can be made for employment tests under some conditions and in some areas. Seldom have the goals of loyalty and security tests been distinguished.

Brown's study, undertaken at the Yale Law School with the aid of the Weiss Fund, is a model of scholarship and an immense public service. He has presented a clear picture of the complete range of employment tests and has carefully examined their justifications and their results. His generally unfavorable conclusions come with compelling force when they grow out of such a judicious appraisal.

The book has three major parts. The first deals with the operation of the various employment security systems in public and private employment. Most of the effects of these systems the author finds to be deleterious. There are the casualties to individuals, who are ousted from or denied employment or who suffer the shattering experience of a public questioning of their loyalty. There are the casualties to the community in the inhibition of lawful associations and discouragement to freedom of the mind.

Whether these damages are offset by positive contributions to national security cannot be known until we have a coherent view of what we are securing ourselves against, and so the second part of the book appraises the Russian-Communist threat to national security as a justification for employment tests. The author considers how disloyal employees might promote Soviet interests in America by sabotage, political strikes, propaganda, policy-making, and espionage. Such dangers are greatest among those employees of government and industry who know the secrets and man the controls, and rationally this fact should have led to the defining of sensitive jobs. Failure to adopt this policy has resulted in the absurdity of covering seven to eight million employees with security programs, whereas Brown estimates that a coverage of two million would have been sufficient. Reducing the coverage by such a proportion would be a tremendous gain to values other than security, and the author is inclined to think that concentration on the sensitive areas would also improve security. "The moment we start guarding our tooth brushes and our diamond rings with equal zeal, we usually lose fewer tooth brushes but more diamond rings."

While the system has not sought to identify sensitive jobs, it has undertaken the much more difficult task of identifying risky people. Brown notes the different grounds that have been used—sexual aberration, kinship, political deviation—and the administrative methods by which such facts have been established and weighed. He has three recommendations at this point: to consider the whole man, to put the responsible superior over the security officer, and to transfer freely, dismiss rarely.

The third part of the book deals wholly with the loyalty programs. Brown notes how hard it is to confine the impulse to root out communists to plausible areas of employment, because of the strong admixture of vengefulness in such programs. The case for excluding communists from all government employment, sensitive or non-sensitive, from teaching, from show business, from the law, is examined seriously. Brown concludes that a narrow case for exclusion from certain areas can be made on individual grounds. But this is not the policy that has been followed. Rather, "the whole loyalty business . . . has got out of hand." Many other bad traits, besides belief in communism, are undesirable in public servants. In non-sensitive areas, where opportunities for harm are limited, Brown would wait for disloyalty to manifest itself in action, not try to predict the risky individuals. However, so long as loyalty tests continue, Brown would insist that employees have all the procedural elements of a fair trial, including specific charges, confrontation, a fair hearing, a reasoned decision based on the record, and an opportunity for review of arbitrary decisions.

There is much more in this fine, balanced study, but ultimately the basic recommendations come down to two. For the security programs, restrict their coverage. For the loyalty programs, get rid of them.

C. HERMAN PRITCHETT.

University of Chicago.

The Supreme Court in Modern Role. BY CARL BRENT SWISHER. (New York: New York University Press. 1958. Pp. vii, 214. $4.95.)

At a time when the air is filled with strident and abusive attacks upon the Supreme Court of the United States by southern racists and politicians of the radical right it is refreshing to read a calm appraisal of the work of the Court by a scholar who respects the Court as an institution and simultaneously is benignly critical of what he regards as its shortcomings. After an introductory chapter, in which he provides a historical context for the Court's later work, Professor Swisher is concerned with constitutional limitations, the Constitution and the threat of subversion, the place and powers of the military, racial discrimination, and the ideal or goal of judicial endeavor.

Confronted as it is with the task of applying general formulae to concrete but fluctuating conditions through a changing personnel, the Court of necessity has had to be creative, with the result that "Constitutional law in the United States has always been in transition" (p. 30). It is hardly surprising, therefore, that in the gradual acceptance of the primacy of civil liberties and the abandonment of property as a primary object of judicial protection, the Court has frequently been divided by professional disagreement and individual confusion. Concepts of government and limitations upon it change "along with changes in the areas" to which limitations are extended. "The constitutional language is old but the applications are new . . . sufficiently to create doubt and to require rationalization by the Court. The process results in judicial stress and strain over the interpretation of constitutional negations" (p. 64).

The novelty of the problem of subversion and lack of experience in coping with basic disloyalty have posed cruel dilemmas for both the judiciary and the political branches of government. "We have probably been at once so severe and arbitrary as to curb unjustly many rights possessed under the Constitution and so lax or inefficient in our methods as to leave ourselves dangerously exposed" (p. 94). Accordingly, if the Court has been divided or confused in the difficult task of shaping the law to meet the competing interests of individual rights and national security in the field of subversion, "the difficulties have lain primarily in the complexities of the task itself and have been only incidentally the product of the character or the personnel of the Court" (p. 101).

One of the more interesting discussions in the book is that of racial discrimination. Professor Swisher believes that the decision in the *Public School Segregation Cases* is unduly rigid in that it removes from congressional power the solution of the very difficult issues posed by racial segregation. What is needed, the author says persuasively, is "a flexible legislative program that can change with changing experience" (p. 161). However, he is aware both of the obstacles to effective legislation in the form of the filibuster and of segregation as "a highly effective instrument of inequality" (p. 161). Other arguments could be adduced in support of handling race relations by effective legislation and executive leadership, but, in the absence of either, the Court had little alternative to striking down segregation by law as unconstitutional in itself. Nor does the *Brown* decision preclude an active role for Congress in the elimination of segregation as a means for perpetuating a system of massive inequality based upon race and color. Even so, few can seriously prefer the inherent inadequacies of the judicial process and the sporadic chaos of lawsuits to an orderly control of race relations through comprehensive legislation and systematic administration.

The final chapter is an excellent essay upon the judicial process and its ideals, limitations, and proper scope. Those who believe in a broad and active role for the Court will obviously not accept the author's conclusions, but none will dispute the skill and discriminating judgment with which they are drawn. Like all of Mr. Swisher's writings, the present volume is marked by thoughtful analysis, clarity of expression, and a gracious literary style.

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La Belgique et les Nations Unies. STUDY PREPARED BY A COMMISSION OF THE ROYAL INSTITUTE OF INTERNATIONAL AFFAIRS. (New York: Manhattan Publishing Company. 1958. Pp. xi, 372. $3.00.)

Britain and the United Nations. BY GEOFFREY L. GOODWIN. (New York: Manhattan Publishing Company. 1957. Pp. xiii, 478. $3.00.)

Canada and the United Nations. BY F. H. SOWARD AND EDGAR MCINNIS WITH THE ASSISTANCE OF WALTER O'HEARN. (New York: Manhattan Publishing Company. 1956. Pp. xi, 285. $3.00.)

Egypt and the United Nations. REPORT OF A STUDY GROUP SET UP BY THE EGYPTIAN SOCIETY OF INTERNATIONAL LAW. (New York: Manhattan Publishing Company. 1957. Pp. xi, 197. $3.00.)

La Grèce et les Nations Unies. BY S. CALOGÊROPOULOS-STRATIS IN COLLABORATION WITH P. A. ARGYROPOULOS, S. CASTANOS, AND D. SIDJANSKI. (New York: Manhattan Publishing Company. 1957. Pp. xiii, 190. $3.00.)

India and the United Nations. REPORT OF A STUDY GROUP SET UP BY THE INDIAN COUNCIL OF WORLD AFFAIRS. (New York: Manhattan Publishing Company. 1957. Pp. xi, 229. $3.00.)

Japan and the United Nations. REPORT OF A STUDY GROUP SET UP BY THE JAPANESE ASSOCIATION OF INTERNATIONAL LAW. (New York: Manhattan Publishing Company. 1958. Pp. xv, 246. $3.00.)

In 1952 the Carnegie Endowment for International Peace decided to undertake a comparative study of national attitudes on international organizations. It called on twenty-two private centers for the study of international relations and law, selected from all continents and cultural regions, to appraise their national experience with the UN system. They were asked to report on the impact which membership in the UN has had on the substance and the conduct of national policy, to contrast UN purposes and principles with actual operations, to evaluate the effectiveness of the UN in terms of its purposes in the light of evolving practices, to prescribe desirable relations between the UN system and other forms of international organization, and to discuss the need for formal Charter revision. The seven volumes under review are among the first to be published in this important and timely study.

If it be granted that the essence of international organization is and remains the attitudes and policies of the constituent member states, the value of this approach can hardly be exaggerated. Systematic cross-national studies, in the tradition of Arnold Wolfers' pioneering *France and Britain Between the Wars* in the League of Nations context, can contribute more to our understanding of the relative importance of UN security, human rights, colonial, and economic welfare measures than any amount of Charter exegesis, documentary analysis, or legal-ideological critique. Quincy Wright suggested long ago that a mechanism be created for periodically measuring popular and governmental expectations of international action and that the findings be "fed back" into the programs of UN agencies, thus contributing to integration at the international level. If handled on a truly systematic and comparative basis, the Carnegie Endowment's studies might have served precisely this function.

But it appears that the various national study groups and authors were given too much leeway to make possible a final systematic comparison, as witnessed by the wide variety of foci actually found and the great differences in quality and perception encountered. Still, some striking overall conclusions do emerge. Before stating them, however, it is preferable to assess on its merits each of the volumes in question.

Canada and the United Nations stands out as the volume which, had its format and sophistication set the pace for the entire series, would provide the ideal prototype for comparative analysis. This study consistently discusses Canadian policy in the UN and Canadian expectations of international organization within the larger context of Canadian domestic politics, the party structure, interest group activity, ethnic strains, and the ideological aims embraced by these groups. Consequently it makes very plain why the tradition of Canada in League of Nations days was essentially isolationist, why no extravagant expectations were entertained with respect to the UN in 1945, and why it was therefore natural that the "middle power" argument should have been Canada's. The heavy isolationist component in the new Canadian nationalism called for a special role in the general search for security, a role free from Big Power "dictation," a formula of participation stressing the national unwillingness to shoulder general military commitments without express consent. The authors stress that issue-directed, unspectacular pragmatism has remained the resultant Canadian approach: the reluctance in regard to UN military commitments subsists; extensive UN economic and technical aid programs are regarded with some skepticism; disarmament seems impossible; the international protection of human rights is desirable in principle but unobtainable in practice; strict Charter interpretation should prevail over the efforts of the Afro-Asian bloc in colonial and membership questions—but when "pragmatism" was called to the test here, it was Canada that sponsored the successful "package deal" plan of 1955.

Almost equally outstanding is *La Belgique et les Nations Unies.* Again the authors succeed eminently in linking discussions of the domestic political process with analyses of Belgian participation in the UN. Parliamentary debates and party pronouncements are given greater scope than remarks in UN bodies; disputes among rival Belgian groups and the methods of selecting delegations to UN meetings are featured, a refreshing piece of insight into a process usually ignored in discussions of international organization. I regret only that the language and religion issue which looms so large in Belgian politics is permitted to intrude only gingerly and inferentially into the UN discussion: in the instance of the Belgian position on the admission of Spain. But given the Belgian preoccupation with European security and economics, it becomes clear why Belgian policy expected little of UN security and welfare programs; and given the commitment to a Belgian version of the "*mission civilisatrice*" in the Congo, replete with a cultural superiority doctrine, it becomes clear why recent UN efforts in the realm of colonial policy are bitterly opposed with the enunciation of the "Belgian thesis": anti-colonial strictures should be applied against all countries irrespective of whether the "exploited peoples" are separated by salt water from the metropole or not.

Japan and the United Nations is a conscientiously written, if somewhat cautious and restrained, analysis of Japan's alternating moods toward international organization. It gives full and frank play not only to Japan's record in the League but to the very important dissident strains in Japanese party and public opinion with respect to post-1945 participation in international security bodies.

It is a credit to political pluralism in Japan and to the professional acumen of Japanese political scientists to have given us this tableau of attitudes with all its complexities. Among the convinced pacifists of post-MacArthur Japan—those who took the self-denying clauses of the Constitution seriously—the UN was embraced early as a guarantor of security for a disarmed state. While the government parties moved toward the position of seeking UN membership as part of a general policy of alliance with the West and rearmament, Korea soon taught these people that true "neutrality," in the Swiss sense, alone can endorse pacifism. Segments of the Socialist Party also sought membership in the UN, not to join the West but to add their voice to the Afro-Asian neutralist theme of peaceable intervention in the Cold War. At the same time, the Japanese study makes perfectly plain that Japan joined not only for these political-military reasons, but to mediate in favor of peace, and to obtain help from UN agencies in the solution of such domestic social and economic problems as overpopulation, women's rights, and foreign trade. In fact, Socialists and Conservatives alike hoped for a generous UN migration policy, for regulated and planned international trade to protect Japanese markets, and for more active UN policies of economic and technical aid to Asian countries in which Japan could make a major contribution.

The Indian and Egyptian studies share a certain amount of ebullient anti-westernism which tends to equate the record of the UN with "power politics," which in turn equals western perfidy. *Egypt and the United Nations,* however, is an undisguised nationalist diatribe, while the Indian volume is a much more balanced presentation relying to some extent on Indian press comments and occasionally on parliamentary debates, giving even the pro-western and pro-communist dissident groups a fair coverage. Nevertheless, the Egyptian volume is exceedingly valuable as a source of insight into a type of policy orientation whose incidence in international affairs is certain to grow. It makes plain that the Egyptian leadership had great hopes of the UN as long as the organization was expected somehow to eject the British from the Middle East and to smash Zionist influence. Once these expectations were disappointed, Egypt attached her hopes to the "national revolution" and to Arab unity, not to international commitments. The volume is unique in giving us a clear picture of the relation of a revolutionary anticolonial ideology to international law and organization. Further, verbatim quotations from private comments of Egyptian negotiators at the UN buttress a wealth of policy statements with the much needed motivational data.

India and the United Nations, if dominated by the fact that the opinions that prevail are those of the possibly unrepresentative professors and civil servants who wrote it, performs the important service of clearly stating the policy of non-alignment and demonstrating its implications with respect to Indian moves in the UN. In security matters this means Indian insistence on exclusive reliance on peaceful settlement techniques and opposition to any thought of enforcement; but it also means insistence that the now mythical Big Power Concert, buttressed by the veto, be the font of security. Hence any change in UN procedure seemingly strengthening one bloc or another is opposed as a violation of the Charter. To even the score, however, Indian policy holds that consistent anti-imperialism, measures against racism, and energetic pro-Asian programs of economic aid are not merely moral, but legal obligations of UN members! When examined systematically in the light of the whole of Indian foreign policy it becomes startlingly clear that the preferences expressed with respect to UN policy and programs are no more and no less than a faithful projection of immediate national interests: when convenient this involves an active international program and when inconvenient it calls for the most stringent insistence on national sovereignty. Somehow, Indians seem just like everybody else.

La Grèce et les Nations Unies is disappointing and of little value in a comparative study since the authors prefer to write learned commentaries on UN legal questions instead of dealing with Greek opinion, politics, and policy. At times they do claim that the "entire Greek nation" expects the UN to liberate Cyprus from oppression or that the "Greek people" had hoped to trade collective security for the protection of single great powers; but at others they hold that there is no public opinion in Greece on UN questions. Further, the book is marred by a number of unnecessary factual errors.

More disappointing still, however, is *Britain and the United Nations.* The product of a Chatham House study group that included a number of high dignitaries who had played active roles in UN affairs, the book nevertheless displays few of the insights and judgments for which similar groups are noted. Thus the study relies on secondary sources to establish the motives underlying British policy in the UN, on the rare occasions when British policy is discussed at all in more than platitudinous terms. For the most part, the author sought to present an account of the total UN experience and to analyze the overall contribution of international organization rather than deal with these questions in the focus of British aims, expectations, and policy. The result is another descriptive book on the UN, but not a study designed to answer the questions raised by the Carnegie Endowment. One misses analyses of the relation between British foreign policy and moves in the UN, efforts to relate domestic politics and party positions to international issues, recognition of significant dissident strains in Britain with respect to these problems—in short, here is a perpetuation of the myth that all educated Britons somehow support whatever government foreign policy may happen to be.

Nevertheless several chapters stand out as excellent discussions in their own right even if they do not aid us in the quest for comparative data. The peculiar but crucial process of peaceful change by multilateral diplomacy mixed with threats of charges, investigations, and hostile resolutions, as the UN members apply it to colonial situations, is exceedingly well described, even though the author deplores it as illegal and unwise. The only chapter that really contributes to the Carnegie Endowment's aims is the one that deals with British public opinion. Eschewing quantitative indicators for very convincing reasons, the author explains "the generally rather tepid attitude" toward the UN as follows: post-1945 public expectations were far more modest than the chiliastic pro-

League of Nations enthusiasm that stigmatized committed internationalists in the thirties. Since 1945 all informed people were essentially agreed that no international organization can banish war, poverty, and instability, but that it can make modest contributions to these ends through continuous mediation, technical aid, and occasional shows of force. While this pose of resignation yields no enthusiasm for the UN, neither does it result in the kind of public orgies of denunciation that have occurred elsewhere.

We are now in a position to state the comparative conclusions that emerge. Let it be noted first that the central question of the UN's impact on national expectations and policies is almost uniformly ignored in all the studies. But the exceptions are also revealing: the Japanese study notes that the UN action in Korea tended to legitimize that conflict in the eyes of Japanese neutralists and pacifists; and the Egyptian study insists that Egypt's progressive loss of interest in the UN is due to the organization's subservience to western-controlled power politics instead of dedication to justice: e.g., in the Palestine case.

Satisfaction with the UN role in world affairs, of course, depends in all seven cases on the degree of service that the organization rendered the cause of given national policies, and on this point the comparative data are fascinating. On colonial, race policy, and national self-determination questions, for example, attitude, expectation, and satisfaction patterns evolved in opposite directions. In early years, Egypt and India regarded the Charter as a pro-status quo conspiracy designed to perpetuate the white man's injustice; in recent years, both countries have come to expect more and more successful anti-colonial action from the UN. Britain, Belgium, and to a certain extent also Canada defend the Charter principles here as a mirror of their national intentions but denounce efforts to interpret them liberally. The same is true in the field of economic and welfare policy. Originally, the new countries considered the clauses of Chapter IX of the Charter as inadequate and the policies of the Specialized Agencies as Europe-oriented. Now they stress that important welfare benefits have been reaped and they demand more of them. The western studies under review, however, make clear that no rigorous international action on welfare questions was expected in 1945 and that current UN efforts should take precedence neither over national nor over regional activities. Again expectations move in opposite directions.

The pattern is more complex in the fields of collective security and pacific settlement. Prior to the break-up of the Big Power concert, all volumes indicate that effective enforcement was indeed expected and that some smaller countries even feared that the pacific settlement provisions and international law would be ignored by the concert. Now, despite Korea (or perhaps because of it) and the Uniting for Peace provisions, the consensus is that the UN should forget about enforcement measures completely and concern itself only with pacific settlement and the use of the General Assembly as a forum for the discussion of dangerous situations. This is as true of the British, Belgian, Canadian, and Greek statements as it is of the Indian and Japanese.

When these expectations are linked to attitudes on regional self-defense and

Article 51, however, the usual bifurcation reappears. Great Britain, indifferent in 1945 to the regional argument, today ardently espouses it, thus implicitly transferring the enforcement function from the UN to NATO and SEATO. Belgian and Canadian statesmen delight in pointing out that they attached the highest importance to regional military and economic ties in 1945; subsequent events merely confirmed their earlier predictions and the volumes in question devote as much space to NATO and the Colombo Plan as they do to UN matters. Even Greece, because of the lingering attachment to the Balkan Entente, features the same argument; and Egypt, for pan-Arab reasons, stressed the primacy of regionalism in 1945 as well as seeking renewed refuge in it today. Only Indian and Japanese arguments persist in pointing to the dangers of "power blocs," institutionalized as alliances and UN voting groups. India protests against the inclusion of any of her neighbors in pacts based on Article 51; the Japanese study deplores all regionalism, except of course the kind of economic regional arrangement for the Far East that would permit Japan to find her "natural place." The seven studies show that the apparent consensus against UN enforcement measures evaporates when exposed to the strong winds of the cold war and its regional compartments.

National policy, attitudes, and expectations, of course, also determine the opinions expressed on organizational and structural matters. The western countries insist on the faithful application of the ICJ rulings on admission to membership; the Afro-Asians stress the unconditional universality argument. As for domestic jurisdiction and non-intervention, its application to colonial situations is stressed by the West and denied by Egypt, India, and Greece. But when the same principles reappear in an economic context, the roles are, not unexpectedly, reversed, with the important exception of Japan. An important change seems to have taken place on the issue of sovereign equality, the rights of small countries, and the respective roles of the Security Council and the General Assembly. In 1945 all small countries, irrespective of policy or position, opposed the veto, the primacy of the Security Council on some questions, and the special status of the Big Five. Today, little of this pattern subsists. All (except India) grant the impotence of the Security Council and favor the strengthening of the General Assembly. All admit the inescapability of the veto on enforcement questions but argue for its elimination on matters of pacific settlement and membership. But none thinks that the Charter is so imperfect as to risk a large-scale dispute in efforts to amend it; consequently, all studies agree in opposing the calling of a Review Conference.

The overall evaporation of whatever consensus existed in 1945 is thus patent from the material before us. The countries essentially satisfied with the Charter initially are also the nations of the status quo, the nations of the West. It is precisely they who today are *least* satisfied with the functioning of the UN system which they no longer control. But the countries skeptical toward the Charter principles in the early post-war years, the nations identified with legal, institutional, political and economic change, the nations of Asia and Africa, have moved from a position of doubt to one of increasing satisfaction regarding the potentialities of the UN in which they are now dominant. If there is nothing surprising in this reversal of roles—given the nature of national policy and its continuing primacy in UN life—it is nevertheless important and fascinating to be able to document this from the first comparative UN study ever attempted.

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The Politics of Inequality: South Africa Since 1948. BY GWENDOLEN M. CARTER. (New York: Frederick A. Praeger. 1958. Pp. 535. $7.50.)

When a group of men acquire power who are bitter about the past, insecure in the present, and fearful for the future, one may expect to witness an ugly brand of politics. So it has been these last ten years in the miscalled Union of South Africa. Victorious in three elections, and serving under three Prime Ministers, the Nationalist Party ever since 1948 has been a storm-center of domestic and international controversy. It has invited this attention to itself by the vigorous prosecution of a program to legislate and enforce the social segregation and political inferiority of a non-European majority who outnumber the Europeans by four to one. In the process, the Nationalists have not only antagonized the English-speaking South Africans, but have shown no hesitation in dealing drastically with their own constitution and in showing systematic defiance of the United Nations and of world opinion.

As a result of this memorable notoriety, a spate of books, reports, and articles has appeared in the last several years from social scientists of all disciplines. To this literature *The Politics of Inequality* by Professor Gwendolen M. Carter represents a significant and important addition. This book will be, and deserves to be, widely read by all persons who are concerned over the problems of race tensions. Yet with all its great merits—and they are indeed numerous—*The Politics of Inequality* suffers from some omissions, which are influenced by the vogue now prevalent in contemporary research in political science.

Without question, what distinguishes this work from all other accounts of South African government is its vast array of new information on certain well-specified topics. Miss Carter has successfully overcome the formidable obstacles that confront the researcher in a country where the discipline of political science is poorly developed and where officialdom has no liking for independent inquiry by outsiders. Anyone who is familiar with the problems of gathering data on basic, obvious matters—let alone the obscure ones—will respect the scholarly achievement that is presented in this book. Here, for the first time, is a full account of the political parties and their relationships between 1948 and 1957, of the inner structure of the parties and their connection with other opinion-forming groups, of the electoral system and especially the general election of 1953, of the controversy over *apartheid* in its various applications, and of the growing international isolation of the Union. On all of these points, Professor Carter's book is thorough-going and well-documented. Henceforth it will be our principal source.

What her description shows with great cogency is the embarrassment of moderates in opposing fanatics. The Nationalists have represented an extreme viewpoint—hard, stubborn, and uncompromising. Stripped of all the verbiage and sugar-coating, their doctrines amount to a long, loud wail for white supremacy. In the face of this viewpoint, the opposition did not dare to take the logically antithetical position and argue for equality and integration. (Only a small handful of liberals were bold and idealistic enough for that!) Instead, the United party has made a great fuss over procedures and forms, has pleaded for a very slow evolution, and has been willing to tolerate a small number of educated Africans and Coloureds as a token and a showpiece. But it has never rebutted the central Nationalist contention that the races are, and must forever remain, apart. Here we observe, as in some of our own southern states, the difficulty of the cautious moderates when they confront the determined defenders of a dying dogma.

On the vicissitudes of this controversy, as it has unfolded in South Africa, Miss Carter offers us a rich and informative reporting. At the same time, however, and lengthy though this book is, the reader received the growing impression that the author's treatment is deliberately circumscribed. Her writing, while being thoroughly extensive on some topics, is unduly brief on others. For example, it is well known that the greatest *de facto* opposition to the racial program of the Nationalists stems from their own economic policy of encouraging a modern industrial development. If the politics of *apartheid* are going to be wrecked, as they deserve to be, it will be due to the economics of industrialization, which calls for a larger and better educated labor force among the Africans and makes of them an ever-growing consumer market. This central problem is alluded to by Miss Carter on various occasions and is brought up in some of the excerpts of speeches that she cites. But it does not receive the attention, the prominence, the complete analysis, and the comprehensive documentation that it deserves.

Something similar may be noted in the discussion of the South African Constitution and the Nationalists' method of circumventing the "entrenched clauses." Professor Carter writes a beautifully clear description of the argument—parliamentary, electoral, and judicial—on this issue and records the phases of the protracted controversy. But it is a pity that she feels constrained to miss the opportunity of herself discussing the vast implications for political science of this constitutional turmoil. What does a constitution mean in a house divided, so many ways, against itself? How does the parliamentary system work among a people who are not fundamentally at one? These and other questions are raised in some of the excerpts that are quoted from parliamentary debates and newspaper reports. What one would like to see is more of Professor Carter's own commentary on these matters.

This characteristic of the treatment is due, I think, to the regrettable influence of the so-called behavioral approach in political research. This approach, when it is not combined with efforts at evaluation, leaves the reader ultimately unsatisfied. In this book there has been a massive task of collecting and reporting the evidence, and that evidence is clearly set forth. But the author's own judgments are either occasional and restrained, or omitted. Here is a self-effacing dispassionate survey of perhaps the most passionate problem of our day. The descriptions are meaty; the discussion is thin. Professor Carter seems to feel it necessary to keep her own generous sympathies and humanitarian ideals in the background. How far our field can go when it limits itself to scrupulous objectivity, this book reveals. But we need more. Our field will gain in interest and stimulus when we again combine in one and the same intellectual process the presentation of new factual data and the judgments about their value and meaning to Man.

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The Diplomacy of Southeast Asia: 1945–1958. BY RUSSELL H. FIFIELD. (New York: Harper and Brothers. 1958. Pp. xv, 584. $7.50.)

As Southeast Asia was formerly a laboratory in which one might study the impact of diverse Western colonial policies on a number of Asian peoples, so it has now become a region in which to study how newly formed Asian states manage their own affairs. For such purposes even Thailand, though it never lost its independence, can be taken as a newly formed state in view of the changes thrust upon it by the need to adapt to the modern world. How deep under the surface of Southeast Asian countries Western ways and ideas have penetrated cannot be determined with any certainty for some time to come, but the superficial effect has been tremendous. From a political standpoint nothing is more striking than the extent to which independence was seized upon as furnishing an occasion to undertake a wholesale borrowing of Western institutions. The assumption that these institutions are generally likely to have short lives because they have been superimposed on societies ill-adapted to receive them does not change the fact that it was to the West rather than to their own traditions that nationalist leaders turned when constitution-making was in order.

From his extensive survey of the region's diplomacy Russell H. Fifield concludes not only that its political geography has been largely determined by the Western powers but also that Western concepts of international law and relations will maintain their hold in Southeast Asia. The new countries have come into a world not of their own making into which they must somehow fit themselves. The rising membership of the United Nations and its changing pattern of votes indicate the kind of shift in the balance that is taking place, but for the present all countries must operate within a framework established essentially by the West. Although the Bandung Conference and similar lesser gatherings furnish ample proof that new currents are stirring, neither an Asian nor a Southeast Asian regionalism is currently in the realm of political reality. It is significant that the Southeast Asian states and peoples are beginning to reestablish the contacts with each other that the colonial regimes tended to cut off, but this volume contains an impressive array of evidence to demonstrate that relations with the rest of the world, and particularly with the West, remain of far greater importance than those within the region.

Professor Fifield has cast his net wide and at the same time has imposed some severe limitations upon himself. The number of countries to be dealt with and the extent of their diplomatic involvements immediately presented him with a vast amount of material to survey, and his aim was completeness of coverage rather than illustrative selectivity. He has utilized three introductory chapters for the difficult task of setting the stage, summarizing the past, and getting some of the essential contemporary information about the region and its far-flung parts on the record. Thereafter the bulk of the book consists of chapters devoted to particular countries, each of which is again broken down internally to allow of a canvass of relations with other major countries and areas. This method of treatment makes possible the introduction of a great quantity of detail and the elaboration of a well-ordered chronicle of the foreign policy of the several states concerned, although it perhaps works to obscure the bearing of more general events such as the Bandung Conference, the shaping of SEATO, or the operations of the Colombo Powers or the Colombo Plan.

A more serious shortcoming is that the author has on the whole limited himself to an objective presentation of the facts of the case and has attempted very little in the way of analysis and evaluation. When he has given us so full an account of the international relations of Southeast Asia as he has, it may seem gross ingratitude to chide him for not having given us something more as well. Somewhat in the style of the older diplomatic histories, the analysis only rarely cuts much beneath the surface, and there are a host of questions that remain unanswered.

What, for example, is the real significance of the West Irian issue, how deep is the popular concern with it, and what are its rights and wrongs? Why was the United Nations never involved in the Indochinese conflict, and how should one evaluate the failure to hold an election in the two Vietnams in 1956 as provided in the Geneva agreements? To what should one attribute the divergence in policy between the committed and the uncommitted states of Southeast Asia? Do the varying colonial backgrounds and differences in social and economic structure have a significant influence on the way in which foreign policy is shaped and on the kinds of policies adopted?

This reviewer would have been prepared to sacrifice some of the detail that has been presented if there could have been substituted for it more of the author's judgment and interpretation.

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Problems of Regional Autonomy in Contemporary Indonesia. BY JOHN D. LEGGE. (Ithaca: Cornell University Southeast Asia Program. 1958. Pp. viii, 71. $1.50.)

The Indonesian Elections of 1955. BY HERBERT FEITH. (Ithaca: Cornell University Southeast Asia Program. 1957. Pp. 91. $1.50.)

The Soviet View of the Indonesian Revolution. By Ruth T. McVey. (Ithaca: Cornell University Southeast Asia Program. 1958. Pp. 83. $1.50.)

The Office of President in Indonesia as Defined in the Three Constitutions in Theory and Practice. By A. K. Pringgodigdo. Translated by Alexander Brotherton. (Ithaca: Cornell University Southeast Asia Program. 1958. Pp. ix, 59. $1.50.)

The Beginnings of the Indonesian-Dutch Negotiations and the Hoge Veluwe Talks. By Idrus Nasir Djajadiningrat. (Ithaca: Cornell University Southeast Asia Program. 1958. Pp. x, 128. $2.50.)

The Co-operative Movement in Indonesia. By Mohammad Hatta. Edited by George McT. Kahin. (Ithaca: Cornell University Press. 1957. Pp. xxxiv, 121. $3.00.)

To Western observers, it has often seemed that the course of political events in Indonesia has been one of steady retrogression. Civil war, delay in the conduct of national elections, inconclusive results when one was held, the dominant role of a President who has called for "guided democracy," the growth of Communist strength, a continued emotional anti-colonialism, all have been subjects of major concern. Consequently, the Modern Indonesia Project of the Southeast Asia Program at Cornell University could not have chosen more timely topics than those represented by this list of offerings. The fact that the first five items are in the form of preliminary reports and are labeled "tentative and provisional" by Professor Kahin, the Director of the Program, in no way detracts from their importance. Their general level of quality is high and their value would be hard to overestimate.

The major share of Mr. Legge's report is devoted to the story of the attempt to create a satisfactory system of local government. He sees the basic problem as that of "securing 'government in general' in a situation where immediate local consciousness is much stronger than any feeling of national identity" (p. 3). Regional variation has made it impossible to select a basic geographical unit of local government, and the central government has been unable to strike a satisfactory balance between its own authority and that of the local units. While the most recent law seeks to augment the role of local authorities, the central government still feels that circumstances require it to retain a large measure of supervision. The result, says the author, is that local government administration still exhibits many of the paternal characteristics of Dutch colonial rule. On the subject of regionalism, the author grants that the sentiment is real but argues convincingly that much of the pressure for autonomy comes from special interest groups dissatisfied with political and economic policies of the central government. This aspect of the civil conflict needs to be appreciated more fully.

Legge's observation would seem to be supported by Feith's account of the 1955 elections, in which he notes the remarkably little emphasis placed on ethnic appeals. This report contains a great deal of interesting material on campaign methods, the appeals of the parties, the groups through which they worked, and the mechanics of the balloting in the elections for parliament and for members of the Constituent Assembly. While the parliamentary election failed to produce a stable government and has consequently added to the dissatisfaction with Western political institutions (even though the expectation was doubtless unrealistic from the beginning), the author believes there were several encouraging results, such as the high degree of participation (the bulk of which was voluntary), an increased understanding of the secret ballot, the relatively small amount of corruption and intimidation (especially in the second election), the development of new leadership material, and representation for groups previously without it.

One of the many valuable features of the report is a discussion of the relationship of the parties to social forces in the villages, the key unit of political organization. Where modernization is most evident, definite ties were established between specific social groups and political parties, in some instances creating a new alignment in village leadership. The tentative but suggestive hypotheses advanced in analysis of the elections lead the reader to anticipate eagerly the results of the author's further research in the subject.

The strength demonstrated by the Communist Party in these and subsequent local elections gives particular importance to Miss McVey's study of the Soviet views of Indonesian developments during the period 1945–1950. Not surprisingly, the contortions of the "party line" parallel those found elsewhere in Southeast Asia. The account ends at the time of the adoption of the "Maoist" line, calling for the creation of an anti-imperialist front with the national bourgeoisie under Communist leadership. There have been several shifts since, as the author notes, but the underlying motivation, the furtherance of Soviet interests even at the expense of local Communist parties, remains. It is clearly indicated, for example, that the propaganda advantages derived by the Soviets from championing the Indonesian cause in the United Nations caused them to overlook the shortcomings, from the Communist viewpoint, of the Indonesian government of the period. A general conclusion to which one is led is that criticisms frequently made of American Asian policy apply equally to that of the Soviet Union: namely, that it is often based on incomplete understanding of local events and that it tends to view Asian development through European eyes. I would give this work a high place in the Report Series.

Undoubtedly, one factor in the present strength of the Indonesian Communist Party is the respectability it has achieved through its association with President Sukarno. The President has played a crucial role in political developments throughout the life of the Republic, even though the 1950 Constitution would seem to envisage a parliamentary type of government. In view of the powers of the presidency and the importance of the precedents set by the first, and to date, only occupant of the office, one turns expectantly to Mr. Pringgodigdo's Report, particularly since he has been chief of the President's secretariat. The result is somewhat disappointing. The provisions of the Constitutions of 1945, 1949, and 1950 concerning the presidency are fully annotated, and there is some material dealing with their formal application. One misses, however, the type of material that would give flesh and blood to the story. At one point the author says that " . . . the President has come to acquire an unassailable status and has been able also to exercise no small measure of personal authority" (p. 46). Perhaps more attention to this development would make the account appear less wooden.

The opening phase of the post-war Dutch-Indonesian struggle, the bitter legacy of which is evident in current Indonesian events, is the subject of Mr. Djajadiningrat's study. The report covers the period from the end of the war until the Hoge Veluwe talks in 1946 and includes an account of the role played by British policy. The general picture is one familiar in colonial struggles: underestimation of the strength of nationalist sentiment by the colonial power, the differing viewpoints of the home authorities and representatives in the field, an unyielding attitude on the part of the colonial power that precludes accommodation with even moderate nationalist forces. There is illuminating material on the way in which domestic Dutch politics contributed to the failure of the negotiations. Frenchmen will find much familiar reading.

Hatta's book is most interesting for what it tells of the author. Spread throughout the six lectures that form the core of the book are the views of a man, dedicated but never doctrinaire, deeply devoted to the welfare of his country, but never extremist or fanatical in its pursuit, a man of deep-seated convictions and yet of moderation, who has sought to combine the best elements of the Indonesian and Western traditions. One of the most disturbing features of the present political scene in Indonesia is Hatta's withdrawal from public office. It is not the cause of Western political institutions alone that suffers from his absence.

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Malaya: A Political and Economic Appraisal. BY LENNOX A. MILLS. (Minneapolis: University of Minnesota Press. 1958. Pp. xi, 234. $4.75.)

The New Malayan Nation: A Study of Communalism and Nationalism. BY FRANK H. H. KING. (New York: Institute of Pacific Relations. 1957. Pp. xii, 89. $2.00.)

The independence of the Federation of Malaya and the establishment of the State of Singapore have caused Americans to give greater attention to events in Malaya. Lennox A. Mills, who has written authoritatively on the area in the British colonial period, has made in his latest book a study of recent developments and of the problems facing the Federation and Singapore as of October 1, 1957. He believes that postwar Malaya in its political setting and as an underdeveloped area has many similarities to the rest of contemporary Southeast Asia. At the same time, the multiracial character of the Federation has raised a number of serious problems somewhat unique in the region. Three nationalisms appeared—Malay, Chinese, and Indian—making difficult the transfer of power by the British and necessitating compromise on the part of the Malayans in the quest for statehood. The separation of Singapore from the mainland in 1946 required two different approaches to self-government by Great Britain, although close cooperation between the Federation and Singapore remained essential for the welfare of both. In a wider setting, the author points out, domestic autonomy had to be linked to the preservation of the strategic interests of the Commonwealth and of the Western powers.

With good reason, Professor Mills has chosen to analyze economic as well as political problems, for the future of Malaya is closely tied to the tin and rubber markets and to the existence of Singapore as a great *entrepôt.* The political scientist will be especially interested in the author's description of the evolution of the Federation to independence, involving the colonial policy of the British government and the experiment in cooperation on the part of Malays, Chinese, and Indians in the organization of the Alliance. Attention is given to the Communist revolt and the methods used by the British and Federation governments in meeting the critical situation of the past nine years. In a chapter on "Malaya and Commonwealth Defense," the author describes the role of the independent Federation and of Singapore in the defense of Southeast Asia. The implication in the analysis that the government of Tungku Abdul Rahman did not plan to have the new state join SEATO has been supported by developments since the writing of the book. In the economic field, more consideration is given to natural and synthetic rubber than to tin, the author clearly singling out the former for emphasis. His use of statistics is meticulous and his analysis of the problems involved clear and lucid.

"Malaya presents in miniature," Professor Mills stresses, "the question whether Western social services with an Asian birth rate can be financed by inadequate local resources and limited grants from Western governments." The author has well succeeded in giving the reader a concise, valuable, and authoritative account of postwar developments in Malaya.

Frank H. H. King has chosen in *The New Malayan Nation* to emphasize communalism and nationalism. Completed shortly before the independence of the Federation, the monograph profits from the experience gained by the author as a lecturer in economics at the University of Hong Kong from 1952 to 1956. Considerable attention is given to the constitution of the Federation, reflecting as it does the careful balances necessary in a multi-racial state; the appendices, it should be added, include three charts on citizenship: one on British nationality since 1949, another on Malayan citizenship, 1952–1957, and the final one on Malayan citizenship under the new constitution. The author in his last chapter considers the prospects of the Federation in its relations with Singapore, the Commonwealth, and to a limited degree the world at large. The monograph affords the reader a brief but clear presentation of the Federation of Malaya on the eve of independence.

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Pakistan: The Development of Its Laws and Constitution. BY ALAN GLEDHILL. (London: Stevens and Sons. 1957. Pp. x, 263. $8.50.)

Pakistan: A Political Study. BY KEITH CALLARD. (New York: The Macmillan Company; London: George Allen and Unwin. 1957. Pp. 355. $6.00.)

The two present works are both written by Westerners. Alan Gledhill, now Professor of Oriental Laws at the University of London, is an Englishman who spent many years in the Indian Civil Service and served immediately before the recent War as a Justice of the High Court in Burma. Keith Callard is a young Canadian who studied in Pakistan under the auspices of the Rockefeller Foundation and now teaches Political Science at McGill University.

Gledhill's work is the more factual account, detailed and thorough in its depth of treatment and comprehensive in its range. It not merely covers the constitutional history and general public law of Pakistan from the era of the East India Company on to the present day, but also attempts a detailed survey of the private law system, the structure and organization of the courts, and the main substantive principles of law applied by those courts (especially in the area of Family Law, Succession, and Inheritance). As such, it is an invaluable exercise in legal history which is unlikely to become dated too quickly, even with the extraordinary pressure of present-day events in Pakistan.

Callard's book is much more immediate and direct in its purposes, being limited essentially to the events since Indian Independence and Partition in 1947 and concentrating exclusively on constitutional and governmental experience during that period. It is a lively and animated account, which gains strength by its painstaking exploration and analysis of the tangle of high ideals and personal jealousies and intrigues that have contributed so signally to the continuing condition of political crisis in Pakistan over the past decade or more. Where Gledhill deliberately stays clear of current partisan conflicts of political philosophy and doctrine, Callard makes them the central theme of his work.

Neither writer directly anticipated that sudden death of constitutional government in Pakistan represented by the October 7, 1958, coup of President Iskander Mirza and General Mohammed Ayub Khan and by Ayub Khan's subsequent dismissal of the President; but then it is also clear on reading that neither writer would have been greatly surprised at the actual flow of events in the Autumn of 1958. The real tragedy of the Partition in India was that the politically, economically, and militarily least viable unit—Pakistan—was left much the most poorly equipped after Partition in terms of supply of trained civil servants and administrators and, for that matter, of intellectual and general commercial élites. The continuing and exhaustive debates after 1947 in the Pakistan Constituent Assembly over such tension issues as whether to have a secular or a theocratic (Islamic) constitution, or whether to have a unitary or a federal state, or whether to have a strong, American-type presidential executive or instead the rather less direct British system of a purely titular, honorific Head of State coupled with a working Prime Minister, seem, in retrospect, to have been doomed from the outset to be just so many exercises in empty rhetoric in the absence of either a sufficient popular base for political power or a firm and continuing guarantee of honest and efficient public administration.

Some small share of the responsibility for current disasters or disappointments in Pakistan may rest, perhaps, on the small group of British legal and governmental advisers—from the new Commonwealth Office and the old India office—who flitted in the background after the grant of Indian Independence in 1947. With the best of motives and ideals, they tended too readily to assume that constitutional and general legal institutions and forms worked out in a purely Western European, industrial civilization complex must automatically be relevant to the special needs and problems of the newly emergent countries of South-East Asia: they made Dicey's English Constitution, so to speak, an *Idealtyp* to which all other constitutions should desirably conform, forgetting the rather special facts of late nineteenth century English political society that served to make Dicey's classic formulation palatable in its own day: the acceptance, on the part of Opposition parties and political out-groups in the State, of at least the minimum "rules of the game" and of concomitant obligations of restraint in the manner and extent of actual use of rights of political opposition; and, on the part of the Government forces, of their own duties of self-discipline and self-restraint in the exercise of governmental powers. Traces of this same fatal rigidity and inflexibility in thinking on basic constitutional and governmental notions can be found in some of the other post-1945 British constitutional draftings for newly-independent, ex-colonial societies of West and East-Central Africa, as well as for Asia.

But a major portion of blame must rest on honorable and upright local leaders like ex-President Iskander Mirza, at the time of writing a rather unhappy exile in London from General Ayub Khan's second coup in late 1958. When Iskander Mirza threw his own and the Army's weight behind the then Governor-General, Ghulam Mohammed, in the crisis of October 24th, 1954, with the Governor-General's dramatic dismissal of the Constituent Assembly and his rather overt pressuring of the Prime Minister and the Cabinet of the day—actions which an intermediate court, the Sind Chief Court, unanimously ruled were illegal and of no effect but which the Federal High Court of Pakistan finally upheld, by majority, on appeal—he served notice that "naked power," and not law, was in the ultimate controlling in Pakistan. The later judicial sanctioning of the unbridled assertion of prerogative power under the cloak of the principle *salus populi suprema lex*, to which the Federal High Court majority finally felt themselves constrained, in its extravagant sweep bodes rather ill for the future of constitutional government in Pakistan. It may seem regrettable to many readers that the search, in Pakistan, for legal forms and institutions more immediately adaptable to special local needs, conditions, and problems in South-East Asia than Dicey's late nineteenth century English constitutionalism or Jefferson's early nineteenth century American constitutionalism, should have, *faute de mieux*, to be rested in the final analysis (and this explicitly and in terms) on the constitutional pretensions of the Stuart kings in seventeenth century England.

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BOOK NOTES AND BIBLIOGRAPHY

AMERICAN GOVERNMENT AND POLITICS

The Jeffersonian Republicans: The Formation of Party Organization, 1789–1801. By Noble E. Cunningham, Jr. (Chapel Hill: University of North Carolina Press. 1958. Pp. x, 279. $6.00.)

If we knew more about political party origins and development, we might understand better the nature and functions of parties. Thus historical, or analytical historical, methods might contribute significantly to the study of parties. The present valuable book by a professor of history at the University of Richmond tells the story of the first Republicans extremely well. But many questions of importance for analysis or conceptualization are left unasked, inadequately defined, or unresolved.

With ample documentation, Cunningham traces the halting development of parties in the 1790's. Early political conflict is revealed as a matter of personally influential leaders and followings, economic and sectional groupings, opinion aggregates, and shifting Congressional blocs. Some hoary historical ghosts are thus firmly laid to rest—for example, that the old division of Federalists and Anti-Federalists persisted into the 1790's (Beard), that Hamilton's economic proposals redrew party lines immediately (Bowers), or that Jefferson strode forward as early as 1791 to create a national party (Binkley). The data Cunningham provides show that elections through 1792 turned on cliques and claques more than on party, despite Freneau's polemics in the *National Gazette* and some inter-state co-ordination among like-minded leaders. Furthermore, Cunningham assesses the popular Democratic Societies as pressure groups (like units of labor's COPE today) rather than as early party associations. Again, until 1794, despite Madison's earlier leadership of an anti-Administration faction, Congressional behavior was predominantly scattered, interest or section oriented, or individualistic. Finally, Jefferson did not exchange pastoral retirement for hurly-burly party leadership until after his election as Vice President—by which time Madison, the early Congressional whip John Beckley (who could have taught politics to Tammany Hall), and others had laid the foundations. By 1794 and 1795, however, we can discern significant party lines in elections and in most of the states the Spirit of '96 was clearly a "partisan spirit." Certainly, by 1800 the nation had two going parties.

The trouble, to this political scientist at least, is that we never know quite where we are from Cunningham's account, and must supply order on our own. It is not clear, for example, how he distinguishes party from faction or bloc, or how he conceives party functions, and the result is a study that is more often narrative than insight. The data clearly reveal that, contrary to myth, the first Republican party was a "cadre" rather than a "mass" party. But certain minimum requisites might be established for a national cadre party in a democracy—for instance, a structure of central and local cadres linked by communication and exhibiting co-ordinated activity, given sense-of-identity and cohesion through distinctively party perspectives and loyalties, with activity aimed at winning elections and thereby controlling governmental decision-making processes. The cadres in such a structure will undertake certain regularized patterns of activity in order to achieve their purposes, and thus perform party functions, from formulating opinion to managing government administration. Because Cunningham does not pursue questions of this order, we do not know just when, or more significantly *how*, nonparty patterns of politics gave way to party patterns. Thus we miss the full light an inquiry into origins might focus on nature and functions.

All this, however, does not negate the value of the story Cunningham *has* provided. As the best account to date, it can be of great use to political scientists pursuing the kind of analysis historical materials can sustain, if they are wedded to conceptual and theoretical concern.—William Nisbet Chambers, *Washington University (St. Louis).*

PR Politics in Cincinnati. By Ralph A. Straetz. (New York: New York University Press. 1958. Pp. 312. $5.00.)

PR Politics in Cincinnati is a pragmatic study of the role of PR in the government and politics of a city that operated under this electoral system for thirty-two years. Despite the fact that PR as an instrument of power affects a small number of people—less than a million live in communities where this procedure is now used—it has for some sixty years been linked with good municipal government. Cincinnati's reform movement was not confined to PR; it included the simultaneous adoption of the city manager plan and a small nine-man council elected at large. The author tries to examine the impact of PR primarily during the period 1925–55, and apart from these other elements of reform government, upon Cincinnati's good reputation.

While the issues and personalities are drawn vividly in the several repeal attempts, the description of the campaign of 1954 might well serve campaign managers as the model of nothing left undone—amusingly concluded with one of the most confusing, long X system counts on the repeal question, plus an indictment for ballot frauds. In September 1957, aided by the spread of race hostility, in and out of the city, the latter epitomized by Little Rock, Cincinnati after four repeal attacks at the polls and one in the courts, voted out PR by a heavy vote of 65,593 to 54,004.

Several chapters are devoted to the role and influence of groups under PR with particular emphasis on the negro. Not only did Cincinnati like New York City have negro representation on its councils for the first time under PR—Republicans and Charterites each elected a member on the 1949–53 Cincinnati councils, who incidentally disagreed on some issues as violently as any Democrat or Republican could. However, PR in Cincinnati as elsewhere served effectively to reflect changing political trends, for in one election the negro Charterite majority candidate even received the largest first place vote and was seriously suggested for the office of Mayor. We recall the estimate of Henry Lee Moon that in twelve states with 228 electoral votes the potential negro vote, if united, could easily shift the state from one party to another. It is not surprising that communism was frequently heard of as one of the election issues in Cincinnati, but in contrast to what happened in New York City, Communists were not elected to the Cincinnati council during its much longer experience under PR. As a matter of fact the Cincinnati experience produced a very active two-party system, under which their councils elected, after 1925, twenty-five Charterites, twenty-one Republicans, and three Independents; two of the latter became regular Republican candidates in later elections.

There are chapters in the volume dealing with the selection and make-up of the PR elected council, the mechanics of PR, the theoretical pros and cons of PR applied specially to Cincinnati incidents. The author deals equally critically with some of the statements of George Hallett in support of PR as applied to Cincinnati and with the opposition of Ferdinand Hermens; but he concludes: "PR is no panacea. But for thirty years it has provided a workable and effective two-party system in one of the largest cities in the country. If for no other reason, it deserves a hearing and reexamination."

In this case study, the author has drawn together with penetrating analysis a massive array of detail from every possible source available to the scholar. His bibliography is selective, his notes and appendix material helpful. An index would certainly have added to the more effective use of a volume which very likely will be turned to should the question of PR be raised again in Cincinnati and elsewhere.—Belle Zeller, *Brooklyn College.*

Metropolitan Analysis: Important Elements of Study and Action. Edited by Stephen B. Sweeney and George S. Blair. (Philadelphia: University of Pennsylvania Press. 1958. Pp. 189. $4.50.)

This little volume of papers presented at a series of workshops commemorating anniversary years for the Wharton School of Finance and Commerce and for the Fels Institute of Local and State Government will be more interesting to the student as data on metropolitics and, to coin another word, metroacademics than for its otherwise usefully informative contents. The volume is divided into three parts. The first contains papers on the formulation of metropolitan objectives; the second, on the methodology for achieving metropolitan area study objectives; and the third, on metropolitan area government. This final section of the book contains papers by Winston Crouch on "The Role of the Urban County: The Los Angeles Experiment"; by Charles Cherington on "The Metropolitan District Commission"; and by Frederick C. Gardiner, Q. C., on "Metropolitan Federation: Toronto's Experiment." The whole volume is concluded by a spirited lecture on the responsibilities of the state in the solution of metropolitan problems, delivered by Luther Gulick, with the three governors and some, but not all, of the mayors of the Philadelphia metropolitan region as panelists.

The papers in the first two parts of the book are essentially Christmas lists of what researchers might do in the area. Their purpose is clearly to educate the participants in the magnitude, complexity, and rudiments of the task of metropolitan study. Of these papers, James Coke's is especially interesting and contains some suggestive ideas as to a variety of models that might be appropriately used in the investigation. Professor Coke is also refreshingly frank in his avowal of the possibly nominalist character of much of the metropolitan problem.

Professor Crouch provides an account of the Los Angeles experiment that will give no anguish to the local chamber of commerce. He succeeds in dealing with the subject in a highly informative and compressed way. One could wish space limitations had not prevented him from discussing the urban county's success with smog. Professor Cherington reputedly shocked the good burghers of Philadelphia by asserting a Yankee preference for the abandonment of self government to the M.D.C. rather than succumbing to the Hibernians. As he says, putting it smugly, "We keep house." Frederick Gardiner, as always, makes Federated Toronto look good and look easy. After his performance, the stage is set for Luther Gulick to clinch the case for action with an apt reference to Philadelphia, the founding Fathers, and the American as "idealist, that is, idea follower."

The workshops were a good work in the cause of metropolitan reform and are now recorded data for research themselves. When the sociology of metropolitan research and action is written, this book and the other records of these notable gatherings will be a mine for the scholar of the future.—NORTON E. LONG, *Northwestern University*.

The Supreme Court and State Police Power: A Study in Federalism. BY RUTH LOCKE ROETTINGER. (Washington, D.C.: Public Affairs Press. 1957. Pp. vi, 262. $4.50.)

This is a disappointing book. There are few subjects in the field of constitutional law so challenging as the Supreme Court's approach to that elusive concept, the police power of the states. No other facet of the American governmental system is perhaps so badly in need of enlightened scrutiny as the federal relationship. Dr. Roettinger's title suggests that these matters are "studied" in her book; this is true only if unsophisticated counting can pass as a quantitative technique and the accumulation of quotations as analysis.

Dean Pearson, in a friendly foreword, tells us that this work is a sequel to Thomas Reed Powell's case studies of state police power. I shudder to think of the outburst of sarcasm with which the late Harvard wit would have disavowed this claim! Since the book lacks an organized bibliography, it is impossible to tell whether the author had access to Powell's Carpentier lectures of 1955 (*Vagaries and Varieties in Constitutional Interpretation*, Columbia University Press, 1956) with its lucid exposition of the problem of state police power. In any case, it is frustrating to turn from Powell's shrewd assessments of what happens back to this compilation of what justices and (selected) commentators have verbalized.

Dr. Roettinger's book opens with a short chapter on "The Role of the States in Our Federal System." Here she invokes Dicey, de Tocqueville, Madison, and Justice David Brewer and quotes at length from the report of the Commission on Intergovernmental Relations. The passages quoted tend to stress the political nature of decisions about the division of power and the author's comments here already set the stage for the final chapter where the Court is roundly taken to task for its role in the Steve Nelson and segregation cases.

In a second, equally brief, chapter Dr. Roettinger sketches the Court's approach to police power before 1930. She concludes that the concept has had changeable meaning. That is where we leave police power as we turn to 180 pages of discussion of cases decided between 1930 and 1956. The cases are classified under eleven major and thirty minor headings. The treatment is uniform throughout: each section or subsection begins with a simple statement of the number of times that state police action under this heading has been upheld or invalidated by the Court; this is followed by a capsule characterization of each case accompanied by a more or less lengthy quotation from the opinion. At the end of each major section a "summary" supplies an interim score for the contest.

The author offers neither comment nor analysis in these chapters. In the chapter on the years 1953 to 1956, to be sure, some editorial extrapolation is supplied, some of it the author's, most of it again from other sources such as Arthur Krock and Representative Howard W. Smith. One turns, therefore, with some anticipation to the final part of the book, expecting to be offered the kind of evaluation missed in the preceding pages. There are some hints here that Dr. Roettinger herself is not too greatly impressed by the finding that in fifty-one per cent of 484 cases the exercise of state police power was upheld by the Court. She notes fluctuations and changes but, rather than ask why this should be so, her question is: "Where do these decisions leave state power?" And then: "Are these fateful decisions to be made by the Court, with no recourse from Court decision?" Both queries are of acute interest. Volumes have, of course, been written on "the role of the Supreme Court in a democratic nation" (though Dr. Roettinger does not quote or cite Cushman's classic lecture of that title) and the theme will remain with us as long as our constitutional system persists. The present work assembles some quotations on the subject, culminating in Bishop Hoadly's well-known definition of the true law-giver.

Dr. Roettinger has performed a prodigious task in the examination of cases. The publishers have not helped her by excising whatever scholarly apparatus she may originally have supplied. Dean Pearson notes that "the author's observations and reflections may be considered representative of the prevailing current opinions of the South": it is evident that the author shares the views commonly attributed to Southerners—though in this volume the observations that are the author's are few and the reflections virtually nil.—Francis H. Heller, *University of Kansas.*

Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1957. (Washington, D.C.: U.S. Government Printing Office. 1958. Pp. xxxii, 939. $6.75.)

With this volume the National Archives has begun publication, annually, of presidential papers. It is a splendid beginning. Wayne Grover and his associates are deserving of a medal for an admirable job, though no doubt they would settle for support of annual appropriations adequate to carry on what they have started. It is to be hoped that we shall see a volume of this sort each year hereafter, and that funds will be provided to permit the Archives to go back as well as forward, filling in the twelve-year gap between the last privately published Roosevelt volume and the start of this new series. The space saved scholars in file cabinets freed of crumbling clippings from the *New York Times* then will be further evidence of our debt to the Archives for this work.

The 1957 volume contains all presidential messages, speeches, press conferences (in *verbatim* transcript), and other White House releases of any public importance, including correspondence. A listing of *all* releases, by date and subject, is appended so that minor items omitted in text can be identified. A similar appendix lists and gives references for all proclamations and executive orders published in the Federal Register (hence, not reproduced), thus making this volume an inclusive guide to presidential items of every sort. With great good sense the Archives has chosen a chronological format for its texts, buttressed by an excellent subject index; concise notes locate texts in time and place wherever necessary. The book thus is easy to use. It is also easy to read. The design and typography show thought and care and a strong sense of what befits the office. Scholars whose aquaintance with the product of the GPO is confined to Congressional hearings are in for a very pleasant surprise.—Richard E. Neustadt, *Columbia University.*

William Boyd Allison: A Study in Practical Politics. By Leland L. Sage. (Iowa City: State Historical Society of Iowa. 1956. Pp. xii, 401.)

In this well documented but rather pedestrian study, Professor Leland Sage describes in detail the political and economic machinations of Senator William Boyd Allison, a "Western man with Eastern principles," who sat "longer in the halls of Congress than any other Iowan." Although a careful researcher and recorder, Professor Sage deals gently with Allison, a confirmed opportunist from his youthful associations with the "Know-Nothings" in 1856 to those with railroad spokesmen in his final senatorial campaign in 1908. A Republican who "took a prominent part in the promotion of war activities" in 1861, Allison successfully avoided active military service. An associate and sponsor of John A. Joyce, one of the "Whiskey Ring" criminals, he escaped "serious involvement in the operations of the shady crowd," despite a personal loan from this member of the ring. A "Railroad Congressman" who at no time expounded any but the most uninspired conservative doctrines, he enjoyed a remarkable political longevity at a time when politicians would regularly "work through one campaign, take a bath and start in on the next." "I always like to vote, if I can," he said, "so as to not be called upon to explain too much at home."

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FOREIGN AND COMPARATIVE GOVERNMENT

Anonymous Empire: A Study of the Lobby in Great Britain. By S. E. Finer. (London: The Pall Mall Press. 1958. Pp. viii, 151. 12s. 6d.)

British pressure groups were "discovered" only about four years ago, but specialists in British Government have descended ravenously, as if starved for material, upon this new food for thought and produced an impressive reading list in a very short time. Professor Finer has been one of the most industrious among them. His articles on the subject have been impressive monographs, and so, despite its modest aim, is the present volume. *Anonymous Empire* is meant for mass consumption, and in some respects it shows it. There is very little "critical apparatus," and there is a good deal of preaching about banal issues which, presumably, matter to the man in the street: for example, whether pressure groups are good or bad, constructive or destructive, from the democratic point of view. But for all that the book is an extremely well-organized, well-written, and well-informed introduction to British pressure groups: much more useful in my opinion than Stewart's recent work on the same subject, which unfortunately dealt only with their least important activities, parliamentary relations.

Professor Finer's first purpose in this volume is, as it should be, to present the facts about British pressure groups as they are known to date, and he does so very well, taking us, with masterly command of the data and merciful brevity, through the parliamentary, administrative, party, and public relations of a great number of British pressure groups. But he is much too sophisticated a writer to be content with mere recitation, and there is a good deal of interesting theorizing in the book, all of it, of course, on a rather low level, in keeping with

Professor Finer's aims. Some of his speculations come off very well: for example, his explanation of the much larger expenditures of American pressure groups on public relations, compared to those of British groups, is impeccable. But other points, including unfortunately his chief conclusion, are not quite so convincing.

The title of the book, *Anonymous Empire*, tells us a good deal about Professor Finer's general attitude toward pressure group politics. Without committing himself to the more extravagant claims of the group theorists, he does think that pressure groups are something more than an element in decision-making; one gets the impression that he is very close to regarding them, and the relations among them, as *the* government. There is nothing wrong in this *per se*, in his opinion; pressure groups are not unmitigated abominations, but useful instruments of government: useful for technical reasons (information and advice) and useful as channels of opinion. The trouble is that they function so much out of the public scrutiny (more so in Britain, perhaps, than in America); so that the institutions for enforcing democratic responsibility, from Parliament to press, cannot sufficiently get at them and make them operate in the public interest. Not the empire, but the anonymity of it, is the difficulty. "Light! More light!" exclaims Professor Finer at the conclusion of his otherwise utterly unemotional study, summing up what I take to be the chief conclusion of his book.

I shall suppress the very obvious rejoinder to his plea, which is furnished in the hundred-odd pages that lead up to it. But the very notion that any privacy in pressure group activities is somehow pernicious should not be allowed to go unquestioned, for all its status as a postulate of popular democratic theory. In the first place, privacy in pressure group relations, as in diplomacy, has an important function: it helps to get agreement in consultations and negotiations, for reasons too complex to be gone into here. In the second place, much of the anonymity of government-group relations in Great Britain is not due to intrigue, but simply to public apathy, including parliamentary and journalistic apathy, toward the subjects on which government and groups negotiate. It is not that Parliament and the press cannot get the information they want, but that they seem to want so little information about most issues. This, I suggest, is due to the existence of a high degree of political agreement in Britain, a fact which focuses political pressure on relatively uninteresting matters of technical detail—a sign of health rather than malady. At any rate, when Parliament and the press want information about pressure groups they generally manage to get it, in my experience; and when Mr. Stewart and Professor Finer want such facts they seem to get them too; however, not without a great deal of digging. Perhaps this need to dig for materials about British pressure groups is the real source of Professor Finer's discontent; it would certainly be a boon to the political scientists, if not to the nation, if more information about pressure groups were more readily available in Great Britain.

The book calls for some other, more minor criticisms too. For example, I can see very well that the term pressure group is not free of normative connotations and that some more neutral term might be desirable for analysis, but I cannot see that calling pressure groups collectively "the lobby" helps very much. American readers will be surprised to find that their country has a Lord Chief Justice, and American political scientists will be disappointed by the scant use made of their own writers on pressure groups. But I do not mean any of these carpings to detract from the overall merits of the book: an excellent introduction, by a more than competent writer, based on a thorough mastery of his subject, which will be indispensable in our courses on British politics.—Harry Eckstein, *Harvard University.*

The French Economy and the State. By Warren C. Baum. (Princeton: Princeton University Press. 1958. Pp. xvi, 391. $7.50.)

Princeton University Press and the RAND Corporation seem to have undertaken a special responsibility to keep us informed in matters French. From them have come in recent years a substantial number of valuable monographs on diverse aspects of French political and economic affairs. The present study is a worthy representative of the series. The importance and utility of French studies can hardly be denied; France is not only crucial to the future of the West, its problems being to some extent our problems as well, but it has also been for centuries of the greatest interest to outside observers because of the poignancy of its achievements and difficulties. Social scientists and dilettantes have in France a common bond.

Mr. Baum observes, and rightly, that despite widespread criticism of the French economy there have been few comprehensive studies of how it works. His choice of "the role of the state in the French economy" as the "single unifying theme" seems largely methodological, to prevent the materials from becoming unmanageable, and appropriate because the pervasiveness of state intervention makes it a "good vantage point from which to observe the economy in operation." Structurally his presentation is built around three questions: Why did the government act? How did it act? What were some of the significant results of its action? He applies these questions at first to some general problems of the postwar economy: reconstruction and modernization, the control of economic fluctuations, and the balance of payments. Then, with a shift in perspective, he discusses in turn the state as public financier, as entrepreneur, as regulator of business, and as regulator of agriculture. Considering the scope of this study, one must say that Mr. Baum succeeds in conveying a remarkable amount of information on all these topics and generally in tying the diverse problems and responses together quite well.

The volume's usefulness to political scientists, however, is somewhat limited. The treatment of the content of French economic policy is thorough enough, but that of its implementation is weak and formalistic. To the extent that Mr. Baum deals with why such policies were adopted, and their results, he not only accepts official statements of what the government was trying to do, as he admits, but also seldom goes behind economic arguments to political considerations. There are exceptions, and in them the author often shows considerable insight, but they are both few and undeveloped. The most extensive bow in the direction of political factors occupies the three final pages. There Mr. Baum acutely observes that the incoherence of French economic policy is probably accentuating the disintegration of the political order. There he also recognizes that some values of importance may be ignored in a free market; in all preceding pages, however, he writes as though value were only what the user will pay, and shows a marked preference for marginal cost analysis.

The author's restricted interest in political and administrative factors leads him into specific error regarding the operating procedures of the "Monnet Plan" and an underestimation of its significance in the economic advances of the last few years in France. On the whole it must be said that the subtleties of French political life pretty much escape this volume. In consequence, Mr. Baum cannot really answer the question "why" or properly evaluate the results of economic decisions. The data are so limited in the area of political and administrative processes that public policy tends to be discussed apart from some of its most important elements. In this the volume resembles a production of traditional French "*Sciences politiques*" rather than contemporary American political science. But, to be fair, Mr. Baum probably did not intend it otherwise, and the volume can still be useful for the wealth of relevant information it does provide.—WILLIAM H. HARBOLD, *University of Washington.*

Some Comparative Aspects of Irish Law. BY ALFRED GASTON DONALDSON. (Durham, N.C.: Duke University Press; London: Cambridge University Press. 1957. Pp. xii, 293. $6.00.)

This book is an expansion of lectures delivered at the Commonwealth Studies Center of Duke University by the Second Parliamentary Draftsman to the Government of Northern Ireland. It deals with developments in both the Republic of Ireland and Northern Ireland, and its chapters treat in considerable detail Irish legal and constitutional history, judicial systems, administrative law, land law, and Commonwealth relations. Without organizing hypotheses or at least a common theme, such material can easily degenerate into an erudite but arid hodgepodge. The author attempts to avoid this by weaving in two integrating motifs. Such an effort is laudable, but in the opinion of this reviewer it falls considerably short of success.

In the first place, the author utilizes what he claims is a comparative method that will produce meaningful results for the study of the role of law in different countries. What this turns out to be is little more than a detailed description of various Irish legal institutions with an enumeration of the governing court decisions on the powers of each institution, followed in most cases by a few almost parenthetical comparisons with similar institutions in England and the Commonwealth countries. For example, an Irish legal practice is discussed; it is learned that it was established twenty years after its counterpart in Canada and New Zealand but five years before that of South Africa; and so on to the next legal practice. The construction of such a checklist adds little to our knowledge of comparative government so long as law is seen as divorced from the political and social problems of the country, and so long as its function in the process of government is not analyzed. What the author has given us—and its value is not to be denied—is a careful description of a multitude of proposed and applied schemes for organizing government in an unusual island. In doing so he brings to light many fruitful areas for comparison, but he does not make important use of the tools of comparison. His work might best be thought of as a prolegomenon to future research.

The second motif that runs through this material is the view that aspects of Irish law have served and can serve as models for other countries' legal systems and for international law. It is a large assumption to make for a small, rather isolated nation, and it requires convincing empirical proof and argumentation. Here it receives neither. That the newer Commonwealth countries such as India and Pakistan share certain constitutional provisions with Ireland may be significant; but are a few such similarities sufficient to justify the claim that Ireland has had a considerable influence on the far-flung development of law in the Commonwealth? Possibly more important to the fate of the Commonwealth has been the political evolution of southern Ireland from a part of the United Kingdom through Dominion status to national independence. One suspects that it is this aspect of Irish experience that deserves study in Pretoria and New Delhi, and not so much the few comparisons that can be made regarding judicial review or administrative tribunals. Perhaps it is too much to say that Irish development is *sui generis* and incapable of extrapolation; a weakness of the present study is that it fails to make the case for the other point of view.

Despite the foregoing criticism it should be made quite clear that this book contains valuable sections and will be very useful to students of constitutional history and law, especially those who are reasonably familiar with the rudiments of Irish government. The author has done prodigious research, and his judgment in legal matters is balanced and sound. What is lacking is a grasp of the broad sweep of the political process and, in particular, some kind of focus for the comparisons that are offered up.

It must be added, regretfully, that the author has done the near-impossible: he has written a book about Ireland that makes extremely dull reading.—JAMES B. CHRISTOPH, *Ohio State University*.

Bureaucracy in New Zealand. EDITED BY R. S. MILNE. (Wellington: New Zealand Institute of Public Administration; London: Oxford University Press. 1957. Pp. 137. $4.00.)

These essays, by a mixed group of academics and government officials, comprise the papers offered at the 1957 convention of the New Zealand Institute of Public Administration. The Institute series, of which this is the fifth annual volume, is already providing a wealth of heretofore unavailable information on government and administration in New Zealand.

The theme of the present volume is administrative discretion in the central government: why it exists, how it is used, how it may be abused, and how it can be controlled. The absence of large private corporations and the weakness of local government in New Zealand, which was the subject of the 1956 essays (see this REVIEW, vol. LI, 1957, p. 1147), mean that the central government organization is even more important than elsewhere and the question of administrative discretion accordingly assumes an even greater significance. Professor Milne's own introductory essay argues that such discretion is inevitable and that the exercise of it is a highly important feature of modern bureaucracy.

The second essay, by Mr. Frederick Baker of the Public Service Commission, analyzes the functions of the Permanent Head of an administrative department and reports some variations on the conventional relationship between the Permanent Head and the Minister. In the third essay, the Deputy Prime Minister, the Hon. J. R. Marshall, explores the sources of ministerial policy and points out both the advantages and limitations of civil servants as policy-making advisers. His paper is important, too, for its discussion of the means by which the Minister can exercise effective control over his ministry. Mr. D. J. Riddiford next offers a series of suggestions for the improvement of the service, including the strengthening of Parliamentary checks on administration and the establishment of a new administrative class, to be recruited in part, on the British model, from among superior University graduates.

Mr. R. B. Cooke's paper is an exploration of the function and effectiveness of the judiciary in ascertaining and enforcing the *legal* limits of discretionary administrative authority. And the final paper, by Mr. P. B. Marshall of the Dairy Products Marketing Commission, is concerned with the *internal* controls on administrative discretion and with the difficulties encountered in the administrator's constant search for the public interest.

Taken all together, these papers reflect a widespread confidence in the New Zealand public service. Morale is fairly high, the aims and criteria of judgment of the administration are praiseworthy, and the personnel who man the services are generally competent. One principal function performed by the contributors to the present volume is to have provided reassuring replies on some specific points of criticism about the service. Another is to suggest several problems that still need study and solution, especially the problems arising from the need to provide more effective means of parliamentary and public control over the discretionary authority of administrators. For, however much these gentlemen have concentrated their attention on this issue, their principal accomplishment in the present volume is that they have clarified, rather than solved, this basic problem.—WILLIAM S. LIVINGSTON, *The University of Texas.*

The Founding of the Federal Republic of Germany. BY JOHN FORD GOLAY. (Chicago: University of Chicago Press. 1958. Pp. xii, 299. $5.00.)

This is a case study in constitution-making. It was "prompted by the belief that periods of constitution-making and significant constitutional change provide an exceptional opportunity to gain insight into the moral and political conditions of a people." The author, who was in Germany as a United States official from 1948 to 1953, certainly confirmed his belief. He succeeds remarkably well in conveying his insights to the reader. This book will probably become the standard work in English on the founding of the Federal Republic. It is much more than a reference work, because it does for Germany what Gordon Wright did for France in *The Reshaping of French Democracy.* Considering differences between the French and the Germans, it is surprising that Mr. Golay's book makes almost as lively reading as Mr. Wright's. The scholarly apparatus of the book under review is superior. Among other appendixes, it contains the text of the Basic Law, including the amendments adopted in 1955 and 1956.

Part I deals with "The Decision to Establish a Western German Government." In it and elsewhere, the author emphasizes the role played by the Western Allies in constructing the Basic Law. His judgments on interference by the Military Governors are unfavorable, and he condemns General Clay's professions of neutrality *vis-à-vis* the German parties as hypocritical.

Part II analyzes "The Federal Structure of the Basic Law." It is particularly useful as a comparison, not so much of federalism, as of attitudes towards it, in the United States and Germany. The American attitude was responsible for much of the interference—most of it in vain—from United States Military Government. Mr. Golay concludes that "federalism as such has little to do with the democratic character of a state and its institutions." Incidentally, he claims that "even the fabled pride of the Texan is but a pale shadow of the tenacious loyalty to homeland of . . . citizens of the Hanseatic . . . cities." The reviewer, as a former citizen of both Texas and Hamburg, may be forgiven for dissenting; in any case, the point is well made.

Part III discusses "Federal Government—Parliament—President." It illustrates the constant preoccupation of members of the constituent Parliamentary Council at Bonn with the assumed errors committed by their predecessors at Weimar. Mr. Golay points out that only two of the nineteen Weimar governments fell as the result of votes of no-confidence. This leads him to down-grade the significance of the "constructive vote of no-confidence." He does not consider the contribution that this provision may have made to the emergence of a two-camp pattern of politics in the Federal Republic. This was not its intended consequence. At any rate, the constitution makers at Bonn were relatively realistic about the feasibility of achieving specific goals through constitutional engineering: "Since the Council did not share the illusions of the Weimar Assembly regarding the power of formal provisions to guarantee a democratic constitutional order, it attempted merely to lay down 'rules of the game' for a multi-party parliament which will encourage those who have the will to overcome difficulties of government inherent in that situation, discourage those who do not, and tide government over short-term crises. For the rest, the fate of constitutional government is left in the hands of the parties and the people."

Part IV deals with "The Parties and the Electoral Law." Few people are likely, after reading it, to remain either adherents of simplistic theories that isolate proportional representation as "the cause" of multi-party systems, or critics of all party systems that deviate from "the two-party system."

Part V takes up "Basic Rights" and contains a clear comparison of different national traditions in this respect. Part VI, finally, appraises "The Political Maturity of the German People" very favorably, though it admits that the Germans are not yet "out of the woods." But the Basic Law has given them as much help as any constitution can in getting them on the right road.—Herbert J. Spiro, *Harvard University.*

Germany and Freedom: A Personal Appraisal. By James Bryant Conant. (Cambridge, Mass.: Harvard University Press. 1958. Pp. xi, 117. $3.00.)

This volume merits the respectful attention of students of contemporary Germany because of the author's distinguished achievements as a scholar and as a diplomat serving in Germany during the formative years of the young republic. His evaluation of the present West German republic and the role that it may be expected to play as an ally of the non-communist bloc is optimistic enough to dispel the gloom of even the most obdurate Germanophobes. This cheerful appraisal is based on the evident lack of parallelism between the Weimar and the Bonn republics, the present mood of the people, the remarkable political and economic stability of the republic, and its amicable relations with its neighbors in the West.

Much as one may wish to indulge in this euphoria with Dr. Conant, one may find the reasons given in support of his sanguine conclusions less than compelling. The mere fact that thus far the harrowing events of the Weimar period have not repeated themselves seems hardly sufficient to justify an exuberant optimism. The changes in the conditions of the world have not remained without effect on the problems confronting Germany as well as on the nature of American interest, which is now focused on that country's stability and its continuation of a pro-Western policy. Reassuringly Dr. Conant dismisses all thought of a renewed unleashing of the *furor teutonicus* against either East or West, on the basis of the moderation that he has observed as characteristic of the present-day Germans. Whether that moderation, which has always been a German virtue in periods of relative normality, will pass the test of crisis will depend, however, less on the present mood of the people or the progress of the country in the direction of democratization than on the ability of political institutions to prevent crises or to restore the balance of social forces once a crisis is at hand. Yet it is in this area that especially grave doubts force themselves on the observer. Not only do the new republican institutions have little basis in German experience; but the highly personalized nature of Dr. Adenauer's regime has tended to prevent them from taking root.

No greater comfort is to be derived from Dr. Conant's observation that Nazism is not an issue today. In fact, the presently prevailing indifference toward Nazism is especially disconcerting in view of the presence in responsible positions in government and education of a not insubstantial number of former Nazis, whose activities and potential influence are not easily ascertainable in a period of tranquility and contentment. The hope Dr. Conant stakes on the hostility of the young generation to service in the new army is equally debatable. One may wonder whether that hostility is not reserved to the present NATO-inspired military establishment, and whether an army usable in the service of great national issues would meet with equal hostility.

The possibility that national frustrations and economic disturbances may once again distract Germany from her present moderate course cannot be confidently dismissed. National frustrations are already extant in the form of the reunification issue. The future of the rapidly growing economy is appraised skeptically by many Germans. Nevertheless, Dr. Conant's book serves the very useful purpose of alleviating the fears of those who persist in looking for the ghosts of the old Nazism, which the Germans and historical change seem to have effectively laid to rest.—Peter J. Fliess, *Louisiana State University.*

East-Central Europe under the Communists: Bulgaria. Edited by L. A. D. Dellin. (New York: Frederick A. Praeger for the Mid-European Studies Center of the Free Europe Committee. 1957. Pp. xvii, 457. $8.50.)

East-Central Europe under the Communists: Romania. Edited by Stephen Fischer-Galati. (New York: Frederick A. Praeger for the Mid-European Studies Center of the Free Europe Committee. 1957. Pp. xv, 339. $8.50.)

East-Central Europe under the Communists: Yugoslavia. With an introduction by Robert F. Byrnes. (New York: Frederick A. Praeger for the Mid-European Studies

Center of the Free Europe Committee. 1957. Pp. xiii, 488. $8.50.)

The Mid-European Studies Center comprised some able scholars, and some of its publications are of a high order. The present series, however, leaves doubts as to whether this body of scholars was able to free itself of the persistent and pernicious tendency of its parent Free Europe Committee to address propaganda not only to the public of Eastern Europe but also to the American public.

The originators of the series and the authors are surely due great credit for tackling a highly difficult and important task. At the beginning of each of the books, Robert F. Byrnes, the general editor, points out that Eastern Europe (variously referred to as East-Central Europe, Central Europe, Middle Europe, and Mid-Europe) is "a terra incognita even for educated Americans." This series of publications, he writes, is "designed to provide thorough, accurate and well-organized information" on the Soviet satellites and Yugoslavia and "reflects the state of American scholarship, and of Western scholarship generally," on developments in these countries.

There will be greater agreement about the extent of our ignorance than about how well these books fulfill their design or what they reflect. One phase of our ignorance—the tendency to view the pre-war societies of Eastern Europe in an unwarranted rosy glow—is unlikely to be corrected by these books. The very avoidance of the term Eastern Europe indicates, also, a tendency to exaggerate the non-Easternness, if not the Westernness, of these countries. There is also a tendency, in discussing the Communist regimes, to substitute condemnation for analysis. And one sometimes has the impresssion that, once the Communists took over, everything stopped except persecutions by the secret police.

With the necessity of having different authors write various chapters, it is understandable that these books should lack unity and cohesion as well as perspective. Less understandable is the virtually complete absence of footnotes in a text where controversy lurks behind not only interpretation but often fact as well. The major exceptions are the well-documented chapters of Professor Spulber on economics.

In the judgment of this reviewer, *Romania* comes off much the best of the trio. This is thanks in large part to the comparatively concise and objective contributions on history, government, and politics by Stephen Fischer-Galati and Randolph Braham. Yet even here, it is interesting to note, the corruption that was one of the most characteristic phenomena of pre-war Romania is hardly mentioned.

Romania, no less than the other two books, regrettably lacks any real discussion of Communist personalities. This is in part made up for by the brief biographic sketches at the end of each book. In some of the figures, however—such as Petru Groza, the capitalist turned Communist leader, and the enigmatic Ana Pauker, to mention only two—there is real drama, an exploration of which would have been a contribution.

Bulgaria suffers in comparison with *Romania*. One must seek out the isolated phrase to discover that pre-war Bulgaria was other than an idyllic peasant democracy. Many will feel that the role in Bulgarian society ascribed to the Tirnovo Constitution of 1879 is exaggerated. Despite the absence of many great landed estates, it is less than accurate to say that "there existed no noticeable social or economic differences among the farming population." The question how well any of the pre-war political parties represented the peasants, who comprised at least eighty per cent of the population, is not explored. And one is surprised to read on the same page that the Bulgarians "have always been a healthy people" and that "malnutrition, especially among the peasants, was common. . . . "

Both *Bulgaria* and *Romania* display a certain sophistry in discussing the role of these pro-Nazi countries during the war. That "the Soviet army acted in Romania as in a conquered territory" is charged rather than stated. The implication that somehow this was not quite right contrasts with the later statement that "the Romanian army contributed more combat troops against the Soviet Union than all other allies of Germany combined." Similarly the part played in the German war effort by Bulgaria is minimized, and the Soviet declaration of war on Bulgaria is denounced as "a striking example of Soviet hypocrisy."

Among the better chapters in *Bulgaria*, in this reviewer's opinion, is that on literature and the arts, by Edith M. Ham.

Professor Byrnes, in his introduction, prepares us for the fact that *Yugoslavia* falls considerably short of optimum standards. It "suffered heavily," he says, "from the Center's having given Yugoslavia a low priority in terms of maintaining a research staff and of collecting material. Thus the original outline omitted several of the most significant and fascinating problems and factors in recent Yugoslav history: new Yugoslav Communist theories on the organization of the state and the economy, the role of Western aid, the economic and political viability of Yugoslavia, the relative popular appeal of the present regime, and the effectiveness in building a foundation for the time when Tito is no longer on the scene. In addition, the staff of the Center and the authors were unable to prepare high-quality brief chapters on three of the most significant elements affecting developments in Yugoslavia," religion, literature and the arts, and labor.

This is quite a commentary in itself, especially as there is no evidence that the original outline was substantially altered. In addition, some of the material is badly organized, lacking in objectivity, and, occasionally, of questionable accuracy. The lack of accent marks on names and places is likely to further the confusion of readers unfamiliar with Serbo-Croat. There are good chapters, especially those by Thomas T. Hammond on history and foreign relations, and interesting statistical material. But the sad fact is that *Yugoslavia* gives, at best, a view of Yugoslavia so limited as to be distorted.

Despite these various shortcomings, however, all three books herein reviewed contain much of value that, properly interpreted, can be of great benefit to those seeking to make Eastern Europe less of a "terra incognita."—Fred Warner Neal, *The Claremont Graduate School.*

National Communism and Soviet Strategy. By D. A. Tomasic, with the assistance of Joseph Strmecki. (Washington, D.C.: Public Affairs Press. 1957. Pp. ix, 222. $4.50.)

This book was prepared when Western scholars were attempting to assess the significance of the post-Stalinist thaw in the Soviet world and published shortly after Communism's critical year, 1956. It purports to analyze the phenomenon of Titoism in terms of the history of the Communist movement and the goals of Soviet strategy. Its author is a Croatian-American scholar, now at Indiana University, with an impressive list of publications on related subjects.

The opening chapter on "The Significance of Titoism" discusses the problem of Communist cadres. Correctly ignoring the traditional but uninformative attempt to classify Communists as "hard" or "soft," Professor Tomasic opts (pp. 8–10) for a dual typology: "conspirators" *versus* "technocrats" and "nationalists" *versus* "Muscovites," the latter categories applying, of course, only to non-Russians. The "technocrats," or technical intelligentsia, he argues here and later (p. 172), are in closer contact with the feelings and aspirations of the masses than are the "conspirators" or ideological manipulators. As such, they desire to maximize the production of consumers' commodities as against heavy industry and advocate a relatively cautious foreign policy designed to relax international tension. The "conspirators" focus on world revolution, press for international adventures, and, accordingly, insist on continued concentration on heavy industry and armaments. The military find their natural allies in the "technocrats" (p. 8).

This analysis is unconvincing. What evidence indicates that the "conspirators" are less closely in contact with public sentiment than the "technocrats"? Why should the latter wish to de-emphasize heavy industry, in which they made their professional reputations? Why assume that they and the military incline to caution in foreign affairs? Ambassador Bohlen has reported that it was precisely Marshal Zhukov who insisted most vehemently on the need for intervention in the early days of the Hungarian Revolution, when the Soviet government was still contemplating possible alternatives. Nor is the "nationalist" versus "Muscovite" classification of much use. Presumably it implies that Communists who received their training and spent the war years in the Soviet Union rather than underground in their native countries are more subservient to Moscow than the home-bred "nationalist" Communists. Yet few East European Communists spent more years in Russia than did Imre Nagy, while not only was Edward Ochab's biography impeccably Muscovite but he was Stalin's favorite Polish Communist. Thus we still await a classification of Communists that will have some predictive utility.

Typologies seem to be Professor Tomasic's weakness. He explains the Yugoslav Communist Partisans' guerilla record in the Second World War as largely a consequence of the fighters' alleged "Dinaric" personality type. The traits of this type, most frequently found in Lika, Krajina, Kordun, Western Bosnia, Herzegovina, and Montenegro, are " . . . a strongly developed feeling of honor and reputation, desire to do heroic deeds and readiness for self-sacrifice . . . vindictiveness, violence, fierceness and emotional instability . . . lack of a sense of proportion, and an inclination towards malice, spite and cunning. . . . The emotional instability of these people was manifested under favorable circumstances in conceit, megalomania, contempt for their adversaries, and in an underestimation of obstacles. In adverse circumstances quick demoralization and panic were prominent. . . . Accordingly these people were likely to change camps as soon as they realized that they were on the losing side" (p. 58). In support of these generalizations, Professor Tomasic cites the English anthropologist, Elizabeth Durham, the Serb geographer, Jovan Cvijic, and his own early studies. Acknowledging that such personality traits exist, your reviewer confesses to being utterly unsympathetic to the quasi-empirical anthropology that applies them in categorical and sweeping strokes, without regard to ranges and nuances, to large ethnic, geographical, and ultimately political groups. In any event, a tendency to moral depression, panic, and changing of sides hardly characterized the war-time conduct of the Yugoslav Communist Partisans, most of whom are asserted to have originated among the "Dinaric" elements of the population. Tito, we are told incidentally, is not a "Dinaric" type but manifests rather a "Zadruga" nature, characterized by " . . . stubbornness . . . inclination to rely on collective, rather than individual action . . . passive resistance . . . slyness. They are, however, disinclined to go to extremes in their behavior if the adversary is willing to meet them halfway" (p. 128).

Discussing the Yugoslav civil war of 1941–44 (pp. 51–73), Professor Tomasic attributes the Partisans' victory virtually exclusively to their ruthlessness and organizational skills. Surely even an anti-communist may acknowledge that their political and social policy made a deeper impression on the Yugoslav people than did the sterile chauvinism of the Ustashi and the Chetniks and the bankrupt image of the royal exiles in London. One still awaits an objective analysis of the policy of all the parties, groups, and figures involved in the civil war, including General Mikhailovich, Poglavnik Pavelich, and Marshal Tito.

The last quarter of the book is by far the best, and the chapters examining the impacts of the Tito-Stalin and Tito-Djilas breaks on the Yugoslav Communist Party are throughout competent and occasionally illuminating. —JOSEPH ROTHSCHILD, *Columbia University*.

Greece: American Aid in Action, 1947–1956. BY WILLIAM HARDY MCNEILL. (New York: The Twentieth Century Fund. 1957. Pp. x, 240. $3.00.)

The emphasis which the Twentieth Century Fund places on Greece as a crucial area for American foreign policy is reflected in this timely and rewarding study. William Hardy McNeill (Professor of History at the University of Chicago) has given us a useful appraisal of Greek developments since 1948 in a volume which comes ten years after his second *Report on The Greeks* (with the cooperation of his wife Elizabeth and F. Smothers). His earlier book, *The Greek Dilemma*, a painstaking account of Greek affairs on the eve of liberation, was the beginning of Mr. McNeill's first-hand observations on Greece.

In his present volume, Mr. McNeill perceptively analyzes the socio-economic factors which American aid has dealt with in Greece at the village, city, and national levels. The author estimates a total of $1,565 million American aid to Greece in nine years. He discusses the difficulties in the administration of foreign aid, but his study also demonstrates an appreciation of the Greek emergency, which required prompt and massive support. As the title of the book suggests, "action" was the keynote of this "crash" program, which helped Greece preserve its independence and at the same time provided the Greeks with the means of reconstructing their country.

Mr. McNeill pictures for us the dramatic recovery brought about in Greece since the defeat of the Communist guerrillas in 1949—"one in which both nations may properly take pride." As a result of this progress Greek living standards and, more important, Greek expectations have been raised significantly during the past decade. The book has also an understanding analysis of the present problems in Greek public life. Mr. McNeill observes that the Cyprus struggle has been a "heart warming cause" reuniting the Greeks whom the Communists "had sought" to divide and conquer through a civil war. He points, however, to the urgent need of developing administrative efficiency, revitalizing political leadership, and initiating a realistic development program along the Danish lines.

It is the view of the author that, if production continues to improve at a rate at least four times as great as the increase of population for the next fifteen to twenty years, "all would be well." He believes that this rate of progress can be maintained. It remains to be seen whether in the crucial years ahead Greece will carry out an economic development program which will make for political stability in an otherwise stable social structure. "The end of the story cannot yet be told," says this outstanding American expert on Greece. We would, therefore, expect from the McNeills another appraisal of the Greek situation in the next decade.—CHARILAOS GREGORY LAGOUDAKIS, *Department of State.*

Nordisk Offentlig Rätt. BY NILS HERLITZ. (Stockholm: Norstedt. 1958. 2 vols. Pp. xii, 103; x, 212. Sw. Kr. 12, 22.)

When Professor Nils Herlitz retired after three decades on the law faculty of Stockholm University (*Stockholms Högskola*), the *Festskrift* (Stockholm, 1955) contained a twenty-four page bibliography of his writings from 1907 to 1954. Retirement, however, has by no means ended the output of this distinguished scholar and parliamentarian. The two volumes here reviewed are meant to be the first of a longer series comprehending the administrative law systems of Denmark, Finland, Iceland, Norway, and Sweden. While administrative law is the primary subject matter considered, it is conceived broadly enough to permit treatment of the basic concepts of political life—popular participation in representative government, separation of powers, parliamentarism, and the Rule of Law.

Volume I is an historical introduction. Its chapters concern local administration, central administration, the Civil Service, the Church and Landed Aristocracy, local self-government, and popular representative government; each chapter sketches historical development in the several countries from ancient times to the present. The treatment is essentially conceptual and only secondarily chronological.

The subject matter of Volume II is the National Parliaments, a choice at first surprising as an administrative law theme, but one that Professor Herlitz justifies convincingly (II, iii): "... This work, seen as a whole, has above all an administrative law orientation. That it contains a distinct presentation of the parliaments is especially due to the fundamental significance that their work has in the modern state for the administration and for administrative law." This volume, too, then, is introductory, and is at the same time a self-sufficient treatise on comparative parliamentary procedure in modern Scandinavia. Furthermore, the discussion of the National Parliaments is placed in a broader constitutional law framework. In writing on the legislative process the author has the additional qualification of having been for many years a leading Member of the Swedish Parliament and also a delegate from the Swedish Parliament to the Nordic Council.

Judging from this prologue, the volumes that follow should indeed be definitive, and the techniques used should prove to be as interesting to the social scientist as the subject matter itself. Scandinavia provides an unusually satisfying laboratory for comparative study—one within which both significant similarities and significant differences exist. Much more of Scandinavian letters and science should be made readily available to English speaking audiences, and not least Professor Herlitz' *Scandinavian Public Law.*—STANLEY V. ANDERSON, *University of California (Berkeley).*

Government and Politics in Latin America. BY HAROLD EUGENE DAVIS. (New York: The Ronald Press. 1958. Pp. vi, 539. $6.50.)

The difficulties confronting persons ambitious enough to undertake a textbook in the field of Latin American government and politics are formidable indeed. Not the least of the problems involved is an organizational one. The author, or authors, must arrive at some decision concerning the relative merits of the topical approach and the country-by-country approach. Treatment of the twenty republics on an individual basis leads to confusion and seems to bog down in a legalistic welter. Out of all this is the tendency to produce generalizations which may or may not have over-all validity. Each of the Latin American nations is, in a very real sense, atypical and to do justice to each would require a separate and lengthy volume.

A second, but no less real, difficulty is that of presenting an objective and accurate analysis of political realities—the "real constitution," as George Blanksten calls them—and at the same time convey a sense of the regard in Latin America for constitutional ideals.

This volume, a joint effort by twelve recognized scholars in the area of Latin American politics, proves that such problems are not insurmountable and that a reasonable balance between theory and practice in the study of the political environment of this area of the world can be achieved. The authors are not pioneers in this methodology, but their endeavors appear more successful than many. Instructors teaching this subject will find their classes responding positively to the clear, orderly, and stimulating presentation of Latin American political problems.

The text is divided into three sections. "The Dynamics of Politics and Power" treats of the land, people, political experience, and groups. Constitutions and the real structure of power, as well as the formal institutions of government, are considered in the section entitled "The Structure and Functions of Political Power." The authors address themselves to economic, social, and administrative problems in the final section on the "Expansion of Government."—LEO B. LOTT, *The Ohio State University.*

Cambodia: Its People, Its Society, Its Culture. EDITED BY DAVID J. STEINBERG. (New Haven: Human Relations Area Files, Yale University. 1957. Pp. ix, 345. $7.75.)

The book attempts to examine in depth the political, economic, and sociological aspects of Cambodian society, defining, in the process, basic patterns and identifying outstanding values. It is the product of interdisciplinary research by a group of scholars, representing history, political science, economics, international affairs, and anthropology, who seek to present a balanced picture of modern Cambodia. The study contains an impressive list of tables and illustrations and the bibliography at the end is well organized and useful. The result of the effort is an excellent presentation of contemporary Cambodia. No one disciplinary approach has been allowed to dominate and details have not been permitted to obscure the basic image of the nation. At the same time, some of the generalizations might not be able to survive extensive field research. Since relatively little of value has been published, especially in English, on modern Cambodia, this book under the auspices of the Human Relations Area Files is well worth the effort.

Chinese Society in Thailand: An Analytical History. BY G. WILLIAM SKINNER. (Ithaca: Cornell University Press. 1957. Pp. xvii, 459. $6.50.)

In this study the author traces the history of the Chinese community in Thailand from "the early centuries" to 1956. He stresses that his approach is "analytical rather than narrative" and is more oriented toward "the objectives of the social sciences than to those of the humanities." Bibliographical records as well as anthropological field work are used in the gathering of data. The book is well documented and the reference bibliography is excellent; a number of tables, charts, and maps add to the value of the study. The last chapter includes an excellent survey of Chinese society in Thailand in the present decade with some important observations on the factors in and outside the country that influence the rate of Chinese assimilation. Thai recognition of the People's Republic of China or Communist ascendancy in Southeast Asia would clearly set back the process. The book makes a real contribution to the literature on Thailand.

Leadership and Power in the Chinese Community of Thailand. BY G. WILLIAM SKINNER. (Ithaca: Cornell University Press. 1958. Pp. xvii, 363. $6.50.)

The methodological approach of the author is the application of certain behavioral research techniques to a study of the influential Chinese community in Thailand. Emphasis is placed on interviews in an effort to draw conclusions on leadership and power in the community. Appendix A contains twenty-five tables giving statistical data on the Chinese leaders, and Appendix B consists of an explanation of the methodology used in the study. The author is convinced that "the time is past when sweeping, nonanalytical surveys in the social and political realms can make significant contributions to our general knowledge of the area [Southeast Asia]." He calls for the use of "more precise methodologies of the social sciences" to produce, *inter alia*, "an integrated body of testable hypotheses." It is clear that the author has done pioneer work of a high degree of excellence in his study, but that he parts company with a number of highly respected authorities on the Chinese in Southeast Asia. The reviewer is firmly convinced that there is a great need for research on the area by both the behaviorist and the humanist, each being able to make a significant contribution.

Cabinet Government and War, 1890–1940. BY JOHN EHRMAN. (New York: Cambridge University Press. 1958. Pp. xi, 137. $3.00.)

In this little book, which reproduces the Lees Knowles lectures at Cambridge in 1957, the author seeks to analyze the origin and development of the British government's organization for the conduct of twentieth century war. After a century of substantial peace, Britain was subjected in the course of a single generation to the fearful strains of two world, and nearly total, wars. Indeed she was the only major power to endure the full course of both wars with her basic institutions unimpaired. How the governmental system was adapted to meet these demands is the subject of Mr. Ehrman's present inquiry.

He shows that the adaptation was possible only because prior planning from about 1890 onwards had readied the system for it; but a number of other changes had to be made when the war actually came. The book traces the course of these developments from before the turn of the century up to 1940 when the major reorganizations of the second war took place. The reorganization of old and the creation of new ministries, the Committee on Imperial Defence, the Ministry of Defence, and above all the devices of War Cabinet and Imperial War Cabinet—all these come in for scrutiny and assessment. But the task that the author sets for himself he cannot really finish. The year 1940 is doubtless a kind of terminal point, or at least a point of transition, but a history of war organization ending at that point leaves open may questions that invite a continuation of the present study. We may hope that whoever undertakes that task will bring to it the same skill of interpretation and exposition here displayed by Mr. Ehrman.

The Scottish Office: And Other Scottish Government Departments. By Sir David Milne. (London: George Allen and Unwin; New York: Oxford University Press. 1957. Pp. viii, 232. $3.40.)

Here is one of the best and most useful of the New Whitehall Series. As with the other volumes, the author of this one is the Permanent Under-Secretary of the department of which he writes. He thus brings authority to his task, but he also brings a breadth of understanding and a felicity of style. The Scottish Office is not well understood in this country and the book is therefore to be welcomed. It should make much clearer the extent to which the administration of Scottish affairs (and indeed legislation for Scotland as well) is actually developed upon the Scots themselves and, perhaps more important, it shows what a complex task the Office performs, one embracing matters that in England are handled by a number of ministers. It is often said that the Secretary of State is the minister responsible for anything that happens in Scotland; Milne's useful study shows how close this comes to being the truth.

The Ministry of Pensions and National Insurance. By Sir Geoffrey S. King. (London: George Allen and Unwin; New York: Oxford University Press. 1958. Pp. 162. $2.90.)

This new volume in the New Whitehall Series follows the general scheme of its predecessors. Written by a former Permanent Secretary, it gives detailed information on the various pension and insurance programs supervised by the Ministry, including such questions as contributions, claims, benefits, and financing. The history and administrative organization of the Ministry are also competently described. Since a great part of the postwar expansion of the welfare services has taken place in the areas superintended by this Ministry, the book provides a handy survey of the policies and administration of an important part of the contemporary social service state. It is authoritative, useful, competent, and quite dull.

British Transport Policy. By J. R. Sargent. (Oxford: At the Clarendon Press; New York: Oxford University Press. 1958. Pp. ix, 164. $2.40.)

This is an effort to appraise the economic problems of the road and rail transport systems in the light of the Transport Act of 1953, and to offer suggestions for their solution. The author (who is a fellow of Worcester College, Oxford) is concerned with the economic, as distinct from the technical, efficiency of the two systems, with the proper functions and services which each should perform, and with the means by which each should be managed. He recommends, among other things, that responsibility for the road system should be consigned to a public corporation, that a single Authority should be created for both road and rail transport, and that the cost of necessary but unremunerative services be paid from public funds.

Protection from Power under English Law. By Lord MacDermott. (London: Stevens and Sons. 1957. Pp. viii, 196. $2.75.)

In his Hamlyn Lectures the Lord Chief Justice of Northern Ireland has here considered the extent to which the English law protects the individual from the possessors, users, and abusers of various kinds of power. His interests are broad and he is nearly as much concerned with the uses of social and political power as with strictly legal authority. The power of Parliament, the power of prosecution, the power of economic monopoly, the power of wealth and status, the power of trade unions, and, above all, the power of the executive—all these may be brought into action against the individual. The question that bothers Lord MacDermott (and others) is how well the law protects the individual against these threats. Here is an incisive and thoughtful essay, aimed right at the heart of one of the critical problems of the modern state.

Canada's Immigration Policy: A Critique. BY DAVID C. CORBETT. (Toronto: University of Toronto Press. 1957. Pp. xii, 215. $4.00.)

Here is an interesting and important study of a critical Canadian policy, and of its determinants and effects. Mr. Corbett's perspective is a broad one and his examination of Canadian immigration policy is oriented toward the world's population problem as well as toward the narrower national interest of Canada itself. His volume is carefully done, but it is openly argumentative in several places; indeed he quite charmingly disclaims any "strict scholarly standards of detachment and reserve." He is a scholar, none the less, and his analyses of the forces that determine immigration policies and of the economic consequences of those policies constitute a very useful addition to the literature. His conclusion is that immigration should be encouraged as much as possible—right up to the point where it produces economic ills such as unemployment or an appreciable reduction in the standard of living.

Democratic Institutions in the World Today. EDITED BY WERNER BURMEISTER. (New York: Frederick A. Praeger. 1958. Pp. x, 157. $5.00.)

This ambitious little book attempts nothing less than a survey of the state of democracy as a governmental system throughout the world: America, Western Europe, Asia, Africa, and the Near East are all considered; the only major omission is Britain and the "old" Commonwealth. The presumption would be amusing if the task were not so skillfully performed. While the book suffers from the necessary inadequacies of multi-authored works (it was originally a series of lectures at the University of London) and from the obvious difficulty of trying to cover too much territory in too brief a volume, it is nevertheless a useful contribution to the discussion of an important topic. It will be of particular interest to those who are concerned with the impact upon democracy of the new armaments and new power politics of the postwar world and also to students of the nascent democracies of the non-West. Indeed, if there is a single theme to the book, it is that democracy is inevitably taking new forms and acquiring new meanings in those new countries whose social and economic composition is so very different from that of the older democracies of the West.

Democracy in France: The Third and Fourth Republics. BY DAVID THOMSON. (London, New York, Toronto: Oxford University Press. 3rd ed. 1958. Pp. 325. $3.75.)

In the third edition of his well known book, Mr. Thomson has added a final chapter, which carries the story of the Fourth Republic to the crisis of May, 1958, with a brief addendum on the designation of de Gaulle as Prime Minister. True to the thesis of his book, Mr. Thomson in May, 1958, saw "signs that even a Fifth Republic might be less novel, in its personalities and modes of working, than many Frenchmen hoped or feared" (p. 255).

Modern Governments. BY HAROLD ZINK. (Princeton: D. Van Nostrand Company. 1958. Pp. xv, 804. $6.95.)

Professor Zink's new textbook for courses in comparative government is comprehensive, factual, and objective. About half the space is given to Great Britain and France; another quarter to Germany and the Soviet Union. Norway and Sweden, Canada, the Latin American countries, Japan, and India are considered very briefly. Without questioning the major emphasis on major European governments, one may question whether much is gained by including twenty-three pages on Norway and Sweden, sixteen pages on Canada, or fifteen pages on twenty Latin American countries. The book is clearly written but not exciting. Each section is followed by an extensive bibliography.

High-Talent Manpower for Science and Industry: An Appraisal of Policy at Home and Abroad. BY J. DOUGLAS BROWN and FREDERICK HARBISON. (Princeton: Princeton University, Industrial Relations Sections. 1958. Pp. 97. $3.00.)

The two essays in this volume assert the decisive importance (for both industrialized and industrializing societies) of developing and utilizing the "high talent" and "precious 'seedcorn' " required "for industrial progress." Since the "search for high talent in science, engineering, and executive leadership" is "truly a twentieth century crusade" of world-wide scope, Dean Brown's essay on the desiderata of the American search is complemented by Professor Harbison's analysis of the problems confronting underdeveloped lands. The underlying dilemma with which the volume intermittently establishes contact concerns the tendency for "industrial progress" itself to create conditions (e.g., "wholesale" education, "mass production and big organization," methodized procedure) that stifle the nurturing of that creative minority upon which the premise of further "progress" is based.

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UNESCO: Purposes, Progress, Prospects. By Walter H. C. Laves and Charles A. Thomson. (Bloomington: Indiana University Press. 1957. Pp. xxiii, 469. $7.50.)

UNESCO: Report of the Management Survey Committee. (Paris: UNESCO. 1957. Pp. 51, xii.)

While every United Nations body has been challenged by the Cold War, UNESCO has had additional problems of its own, which have severely impeded its progress. Its founders had difficulty in agreeing on its character; their successors have had graver difficulties in establishing and administering satisfactory programs. Some member governments have refused to take UNESCO seriously; others have resisted various UNESCO programs. Certain Communist members of the United Nations, including the Soviet Union, refused to join the organization for several years. The lot of Directors General has not been easy: the second resigned when sufficient budgetary support was not forthcoming despite the insistence of many governments that he undertake unwisely ambitious programs. The recent election of the fourth has been marked by tensions between "technical assistance" interests and "cultural" interests.

Laves and Thomson, however, feel able to indulge in moderate optimism as they review UNESCO's first ten years. UNESCO has managed to provide a global perspective for education, science, and culture. While accepting cultural diversity, it has fostered a worldwide emphasis on human dignity and democratic values. Its international service has been of help particularly to new states. The authors conclude that the "basic weakness that still conditions its prospects for the future lies in the policy and action of member states, for the area of UNESCO's competence ends at their boundaries." This reviewer shares the authors' cautious prognostication that UNESCO's emphasis on human dignity and democratic values will "prove to be significant in the perspective of world history."

Although not an official history, the work by Laves and Thomson will doubtless remain the definitive account of UNESCO's first ten years for a long time to come. The authors bring first-hand experience to bear in reviewing UNESCO's origins and the evolution of its three basic types of program, which include the advancement of knowledge, education, and human welfare and the promotion of international understanding. They conclude with an analysis of program-making, including the division of responsibility among the Director General, the Executive Board, and the General Conference, on the one hand, and member states on the other. The appraisal of national administrative links with UNESCO, including the role of the National Commissions, is particularly valuable. The authors are well-qualified for their task by many years' experience in UNESCO itself and in the United States National Commission for UNESCO. Laves is currently Chairman of the Department of Government at Indiana University, and Thomson has been Chief of the Division of Cultural Relations and Director of the UNESCO Relations Staff in the Department of State. Future studies of particular aspects of UNESCO may be more penetrating, but they will nevertheless be heavily indebted to this workmanlike and readable history, which should prove as satisfying to the interested layman as it is to the professional scholar and the public servant.

Laves and Thomson regret the omission of an analysis of the secretariat as a branch of the new postwar international civil service, but their regret is somewhat misleading, since the role of the secretariat emerges quite distinctly in their account of program formulation and implementation. Fortunately the analytical gap is largely filled by the second work under review, a mimeographed survey of the administrative management of the UNESCO Secretariat, the result of a resolution by the General Conference, at its ninth session, inviting the Director General, in consultation with the Executive Board, to appoint a Management Survey Committee. Three persons were selected, one each from the United States, the Netherlands, and Switzerland. This Committee worked closely with the Secretariat but regarded itself as entirely independent in formulating its recommendations, which cover a broad range of problems running from such major questions as the definition of responsibilities of the Director General and the Executive Board to such mundane matters as the checking of attendance at work, including a suggestion to close the bar (presumably useful for breakfast snacks) at 9:30 A.M. instead of 10:30 A.M. A summary of recommendations is followed by a statement of the grounds for each and comprises the major portions of the document. Several annexes, statistical and otherwise, will be useful to the close student of international administration.

The Committee wisely noted that a critical survey of the Secretariat could be made only with a full understanding of the "environment" in which UNESCO operates, including such features as its limitless range of possible concerns and the inevitably long-term nature of its work. Although beyond the Committee's term of reference, the General Conference comes in for its share of criticism and is advised to limit its sections to major aspects of general policy, leaving the Executive Board to define the ways in which policy should be implemented. UNESCO, perhaps more than other international secretariats, has trouble in welding a spirit of solidarity in its staff, which must be recruited from persons of high competence from many fields.

The organization as a whole is gently chided for losing sight of the requirements and practicalities of international collaboration, for aspiring to be the "crucible of advanced ideas" at the expense of national susceptibilities, and for at first seeking a philosophy that was "supranational rather than international." The Committee, however, warns against a swing of the pendulum too far in the opposite direction. National pressures, the authors seem to feel, threaten to swamp international considerations. The composition of the Executive Board to include, since 1954, representatives of Member States, the expansion of the Technical Assistance Program, and the establishment of a Bureau of Relations with Member States are straws in the wind, not harmful of themselves but, like all administrative devices, capable of pernicious influence if improperly applied.—DANIEL S. CHEEVER, *Harvard University.*

The Idea of Colonialism. EDITED BY ROBERT STRAUSZ-HUPÉ AND HARRY W. HAZARD. (New York: Frederick A. Praeger. 1958. Pp. 496. $5.00.)

Enquête sur l'anticolonialisme/Inquiry on Anti-Colonialism. BY THE PORTUGUESE MINISTERIO DO ULTRAMAR. (Lisbon: Centro de Estudos Politicos e Sociais. 1957. Pp. 394.)

These timely symposia are welcome additions to the continually growing literature on colonialism and anti-colonialism. The twenty-eight articles in the two books deal with so many aspects of the colonial question that they are hard to categorize. Two types of essays are found in both volumes: factual case studies of particular problems and general evaluations of colonialism and anti-colonialism. Certain of the case studies are excellent analyses of enduring value, but some of the general evaluations are tendentious and emotional. Although there are many exceptions in individual chapters, both symposia tend to fall into the pattern of recent efforts to rehabilitate colonialism by attacking anticolonialism.

The *Inquiry on Anticolonialism*, sponsored by the Portuguese Overseas Ministry, is introduced by Commodore Sarmento Rodriguez, former Minister for Overseas Provinces, who warns that the United States is sowing the seeds of its own destruction when it looks favorably upon "anti-European action in Africa." Aside from certain Portuguese contributors, however, the authors of the following twelve chapters pay little heed to the Commodore's admonition. The first two essays are useful contributions by J. Roussier on "*Le mouvement d'émancipation dans les colonies*" and R. Le Tourneau on "*Les causes des mouvements d'autonomie en Afrique du Nord.*" The colonial policies and problems of their own Governments are reviewed by two scholars from Australia and one each from Brazil, the Netherlands, Spain, and the United States. Students of colonialism in Africa will find valuable comparative material in A. P. Elkin's study of the common reactions of Australian aborigines, Melanesians, and Polynesians to the European impact—from ambivalent friendliness and hostility to disillusionment, to "resort to the old ways," to widening and deepening solidarity, and finally to the urge for self-determination, "the aim, it would seem, of all peoples."

Among the Portuguese authors, J. Dias and J. M. da Silva Cunha are perhaps the most interesting. Silva Cunha proposes the establishment of a regional African organization with "a common policy for Africa, to be built up by agreement among the States of Europe that possess territories there and the old independent or newly formed states of the continent." Whether or not his proposal is practicable and his reasoning acceptable, it is noteworthy to find a Portuguese writer advocating a cooperative approach to African problems. The Dias essay is an eloquent version of the familiar thesis that the Portuguese have a special colonizing genius, "profoundly humane and kindhearted without being weak." The significant point about these Portuguese essays is not this special pleading, which will be objectionable to some readers and merely quaint to others, but the fact that Portuguese colonial thought is emerging voluntarily into competition with other ideas, a development that should be welcomed.

All seventeen contributors to *The Idea of Colonialism* are Americans. It has somewhat more unity of conception and design than the Portuguese volume because its chapters were first presented as papers for discussion by the Associates of the Foreign Policy Research Institute at the University of Pennsylvania. Five chapters assess colonialism and anti-colonialism in general, while ten are case studies of particular areas or situations. Among the latter, Norman Palmer's "Indian attitudes toward colonialism," and Arthur Whitaker's "Anticolonialism in Latin America" are particularly stimulating, while other authors present competent surveys of United States policy, United Nations colonial issues, the Bandung Conference, the Algerian problem, British and French policy, and the Japanese in Southeast Asia. An attack on the Soviet Union as a colonial power is rather heavily labored through much of the volume, which includes two chapters dealing with Russian expansion under both the Tsars and the Soviets.

Viewed as a whole, *The Idea of Colonialism* is an interesting and significant volume, a more useful contribution than the *Inquiry on Anticolonialism.* As an attempt at dispassionate analysis, its main weakness is found in the evaluative chapters which attempt to assess anticolonialism. These chapters give the book its tone, and some of them tend to convey the impression or misimpression that their purpose is not to analyze anticolonialism but to prove that it is bad. This is evident, for example, in the loaded words with which one author describes anticolonialism as a "flimsy ideology" which is "emotionally distorted," "sheer mischievous demagoguery," "frustrated" and "unscrupulous," and the concern of "small but noisy minorities."

The two volumes should serve a useful purpose in stimulating further study, particularly on aspects of anticolonialism that they largely ignore. They give inadequate recognition to the extent to which anticolonialism is motivated by the personal humiliations and indignities suffered by colonial peoples, from nationalist leaders to kitchen "boys." Case studies of paternalism in the colonial relationship should also deepen our understanding of its psychological effects. Finally, the extent to which the anticolonial campaign, particularly in the United Nations, is not an emotional outburst but a carefully calculated and rational effort, sometimes projected several years in advance, is worthy of study.—VERNON McKAY, *School of Advanced International Studies of The Johns Hopkins University.*

Tensions in the Middle East. EDITED BY PHILIP W. THAYER. (Baltimore: The Johns Hopkins Press. 1958. Pp. xiv, 350. $5.50.)

In August, 1957, the School of Advanced International Studies of The Johns Hopkins University organized in Washington a four-day conference on the Middle East. A reputable team of specialists and non-specialists was gathered to present papers, each of the latter to be accompanied by a commentary. The present volume is the outcome. Treating of thirteen distinctive topics, it is divided into three parts: (a) Basic Considerations, (b) Economic and Social Factors, and (c) Problem Studies. Judging by the contents and quality of the commentaries, it is clear that they were not given on the spur of the moment, but resulted from careful previous perusal of the main papers. In fact, the commentaries are similar in length to the main papers and sometimes exceed the latter.

Space limitations do not permit a full and systematic coverage of all the chapters of the symposium. What follows, therefore, must necessarily be limited to its highlights. In his opening paper, Professor Strausz-Hupé ventures the prediction that "the United States will be committed for a long time to come to the support of the monarchical principle in the persons of Idris, Hussein, Faisal, and Saud." This is so, according to the author, because of the concentration of American interests—political, economic and strategic—in those monarchies. By contrast, his commentator, J. C. Hurewitz, voices serious misgivings about the declared American policy (as expressed in the Eisenhower Doctrine) to freeze the status quo in the Middle East. Strategic questions are discussed by Vice-Admiral Libby, USN, and Paul H. Nitze. The Admiral describes the Caucasus and Elburz ranges as the first, and the Taurus-Zagros Massif as the second—and seemingly essential—line of defense in the Middle East. Such reasoning, according to Mr. Nitze, is based on the assumptions that a war in the area would be a major war and that Russia would launch an attack from outside. On the basis of the then prevailing situation in Syria, Mr. Nitze doubts the validity of such assumptions, pointing out the possibility that an indirect (and local) aggression might be committed through the intermediary of a Soviet satellite inside the area. He calls, therefore, for an American ability to defeat this type of aggression without resort to nuclear weapons.

A controversial thesis is contained in Bernard Lewis's paper on the general position of the Middle East in the world today. Differences between the Arab world and the West, he claims, are due not so much to diplomatic and political difficulties—as in the cases of Egypt, Israel and Algeria—as to the basic clash of civilizations. Arabs, according to Professor Lewis, are neither very eager nor truly able to shake off their Eastern heritage. Consequently, political measures undertaken by the West to reconcile its interests with those of the Arabs (unless they be of mentor-military type) are doomed to failure, and the West, short of better solutions, should resign itself to "masterly inactivity." This pessimistic view is challenged in the equally stimulating commentary by C. Grove Haines, who stresses the importance of the right political policies, coupling it with a call for the "judicious exercise of our power and influence locally and firmness before the Soviet Union in general" as the best approach under the circumstances. In his "Problems of Arab Political Behavior," Elie Salem gives a thought-provoking analysis of one of the most baffling and disturbing phenomena in the Middle East. Pointing to the traditional alliance between the kings and the poets in the Arab world, he probes deeper into the historical roots of the current attitudes. In an eloquent commentary, former Ambassador Harold B. Minor attempts a similar task of soul-searching with regard to American behavior. These broader politico-strategic considerations are followed, in the final part of the book, by stimulating discussions of concrete political issues. The Cyprus problem is discussed by C. M. Woodhouse and A. J. Meyer; the legal aspects of the Suez crisis are pungently debated by A. L. Goodhart and Quincy Wright. Professor Goodhart, in particular, champions the cause of self-help in international law in view of the inability of the United Nations to cope with serious offenses against law and order. A brilliant and well-written commentary on Israel is presented by Harlan Cleveland. A crisp discussion of Communism in the Middle East is provided by Walter Z. Laqueur and R. N. Carew-Hunt. The middle part of the volume, dealing with economic and social factors, perhaps lacks the sharpness of the portions devoted to political issues, yet it also shows a high degree of competence. Especially noteworthy in this part is a discussion of "Recent Developments in Islam" by P. J. Vatikiotis, who bases his observations on an impressive array of original materials.

Symposia are proverbially uneven. But Professor Thayer's volume contradicts this general rule. Excellently conceived and executed, lucid, thorough, and to the point, this book ranks on a par with the best that have thus far been written on the Middle East.—GEORGE LENCZOWSKI, *University of California (Berkeley).*

Australia in World Affairs, 1950–55. EDITED BY GORDON GREENWOOD AND NORMAN HARPER. (New York: Institute of Pacific Relations; Melbourne: F. W. Chesire. 1957. Pp. vii, 366. $6.50.)

Reflections on Australian Foreign Policy. BY F. W. EGGLESTON. EDITED BY NORMAN HARPER. (New York: Institute of Pacific Relations; Melbourne: F. W. Chesire. 1957. Pp. 216. $4.50.)

Australia in World Affairs, sponsored by the Australian Institute of International Affairs, is the first in the series of volumes that are to appear at regular intervals. The Institute, the editors, and the authors are to be congratulated on the high standard of excellence, both in matter and style, that the chapters reveal. Professors and Lecturers from the Universities of Western Australia, Queensland, Melbourne, Sydney, and the National University at Canberra have taken selected areas for treatment. Professor Alexander examines the Australian Community. Professor Greenwood writes on the relations of Australia with the Commonwealth, Professor Sawer on Australia and the United Nations, Professor Prest on Economic Policies. Professor Harper in two chapters discusses Australia and the United States and Australia and Suez. Professor FitzGerald analyzes Australia and Asia, Mr. Neale discusses India, Mr. Joyce, the South-West Pacific, and Mr. Andrews, New Guinea and Papua.

Few major international problems escape analysis. Jurisdictionally, national, commonwealth, regional, and global questions appear and the overlapping of problems and the consequent difficulties for policy-makers are admirably set forth. Functionally, the same complex picture is in evidence. At first sight, it might seem surprising that a country so geographically distant from the "Great Powers" should be involved actively in so many matters. But the shrinking world has forced scores of thorny problems upon this commonwealth of Australia—problems of security (regional and universal), disarmament, United Nations policies and procedures, the economic position of primary product exporting countries, buffer stocks, international loans, the relations of a Trusteeship Power with the United Nations on the one hand and with its dependent peoples on the other, race relations (White Australian policy), Antarctic exploration, and the International Geophysical Year, to mention but a few.

The writers treat the foreign policies of several countries with sympathetic impartiality and, in the judgment of the reviewer, exhibit a realistic but forward-looking view in analyzing the major international problems of today. Their future volumes will be awaited with more than ordinary interest.

Sir Frederic Eggleston, who completed the manuscript of his book a few weeks before his death at the age of seventy-nine, on November 12, 1954, occupied a prominent place in Australian political and social thought. The tributes of Tristan Buesst and Professors P. D. Phillips and W. Macmahon Ball, which form the introduction to the volume, are well deserved. Eggleston had a wide experience in the practice of law and in public life in Australia and was Australia's first minister plenipotentiary to China; in 1944 he became the Australian Minister to the United States, and in 1945 took part in the United Nations Conference at San Francisco.

The volume reflects the many-sided nature and penetrating character of his experience. The brief essay on "Australian Foreign Policy: The Background" reveals his capacity for concentrated expression and forward-looking analysis. The second chapter, "Peace Through International Organisation," covers too much ground in a short space to enable him to add anything very new or significant to what many writers have set forth. The chapters on Stability and Progress in Asia," and "The Commonwealth and its Value" are sound. But, in my judgment, Chapters Three and Four, "America and the Two Chinese Revolutions" and "Korea and After," reveal Eggleston at his best. His judicious treatment of Chiang Kai-shek, the weaknesses of American diplomacy during the critical years 1943–1948, the Communist methods, the break-down of attempts to bring the Nationalists and the Communists together, will be read with interest, particularly by American scholars. His analysis of the course of events in Korea, the (to him) generally praiseworthy American diplomacy, and the consequences of the protracted struggle, likewise is also worth careful reading.

Eggleston, as Phillips suggests, had essentially the mind of a scientist and for this reason did not make a public reputation as a politician. He "was bored by dogma or doctrine, a hardship to a politician," but an asset to the scholar. "As time went on he became more attracted by the problem of relating the dynamic urges of society to their practical expressions," his "disciplined empiricism" enabled him to see that "the whole 19th century conception of the relation of Europe and the 'outer world' was today untenable and unrealistic, and that it was a temporary relationship which contained within itself the seeds of its own destruction." His essays show how carefully and persistently he attempted to find new bases of reconstruction for the revolutionary twentieth century.—LINDEN A. MANDER, *University of Washington.*

Prescription for Survival. By BROCK CHISHOLM. (New York: Columbia University Press. 1957. Pp. 92. $2.50.)

In these four Bampton Lectures at Columbia University, Dr. Chisholm addresses himself to the fundamental social-political question: can men so re-orient their thinking about their universal relations to one another as to make human survival possible in the tightly interdependent world community of the Atomic Age? The author brings to this task a lifetime of experience in dealing with problems of human adjustments in the health and military services of Canada and as Director General of the World Health Organization. He views the prospects for survival with considerable uneasiness, but also with obvious faith that the human brain can still be used to control emotions and to help counteract the dead hand of the past that so regularly dictates social and political action in the rapidly changing environment of our time.

The first lecture sketches some problems in world relationships for which our past experience, education, and moral standards have not prepared us: problems that arise from the newly acquired powers of mutual destruction; from maldistribution of the world's food supplies, of its population, and of its land; problems of archaic prejudices and loyalties that affect human relations and contribute to social irresponsibility. The second chapter deals with the preparation of children, emotionally, intellectually, socially, and politically for coping with the problems of the modern era. He warns here of the importance of beginning early with education for living in a new kind of world community since so much of education is a cumulative process which makes unlearning by adults a losing battle. A third lecture examines the United Nations as the essential means it is for conducting world governmental business and especially for communications and continuing consultation. A final lecture appeals for release and application of the imaginative qualities of the human mind to provide a more comprehensive understanding of our new environment and to find new ways of dealing effectively with emerging problems.

Dr. Chisholm is not concerned in these lectures with specific current issues of international politics or the struggle between particular groups of nations. Nor does he discuss the relative advantages of particular political systems for attaining the kind of world relations needed for peaceful human integration. He is addressing himself to all men, everywhere. To all who have known or worked with Dr. Chisholm, the lectures bring the calm, reasonable, and kindly voice of one who has actively sought to further the way of life that he here sets forth as a requisite for human survival. As something in the nature of a declaration of faith, this small book recalls the work of Dr. Albert Schweitzer. It could be usefully read as a first introduction to the new values and attitudes needed in the conduct of international relations in the Atomic Age.—WALTER H. C. LAVES, *Indiana University.*

SELECTED ARTICLES AND DOCUMENTS ON
INTERNATIONAL LAW AND RELATIONS

WILLIAM H. ROBERTS
Catholic University of America

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POLITICAL THEORY, RESEARCH, AND METHODOLOGY

Veblenism: A New Critique. BY LEV E. DOBRIANSKY. (Washington, D.C.: Public Affairs Press. Pp. xii, 409. $6.00.)

Lev Dobriansky, a philosopher at Georgetown University, has written what he calls a new critique of Thorstein Veblen. There is a certain contradiction in Professor Dobriansky's title, however, because his critique is self-consciously based on the philosophy of the medieval Catholic world. This is the "Philosophia Perennis," the universal and everlasting philosophy that creates a whole by combining the essentialist outlook of St. Thomas, stressing the metaphysics of objective order and repose, with the operationalist outlook of St. Augustine, stressing the metaphysics of ordered process in the world of action; in this whole is to be found all that is relevant in the philosophical approach to the world, whether through faith, reason, or science, But, perhaps, Professor Dobriansky cannot be accused of contradiction, because it is his belief that the modern world has forgotten that its roots are in the Middle Ages. In this sense, then, we are presented with a new critique of Veblen, as Professor Dobriansky sets forth to remind us of what we have forgotten.

Professor Dobriansky states that he has three aims in writing this book. The first is to present the ideas of Veblen as a systematic body of thought. The second is to show the reader how a philosophic approach to Veblen makes possible the first aim. This philosophic approach is to provide the missing analytic tool for social science research: the capacity of the over-view. And "the philosophic treatment as applied in this work to Veblenism is applicable to the composite thought of any social scientific thinker." The third aim of the book is to use the analysis of Veblenism to "illumine the practical alternative that faces our society to either a totalitarian-bound socialist outcome or an abstractionist reversion to the socially disintegrative tendencies of laissez faire capitalism."

This writer is not quite clear as to how Professor Dobriansky's technique of analysis operates. It is in part an historical approach, which begins with a brief mention of four major periods of Veblen's life. The first section, 1857–1874, summarizes Veblen's agrarian and Norwegian background with the statement that he grew up distrusting the business-dominated industrial East. The second deals with his education, 1874–1892, but does not analyze it in detail. The third mentions his creative years, 1892–1917, but does not critically relate his theories to those of his contemporaries. The fourth speaks of his years of intellectual dispersion, 1918–1925, but does not investigate the possible causes of this period.

Professor Dobriansky's history becomes more detailed when he begins to analyze Veblen's failure to understand the medieval period. Because of this failure, it is Professor Dobriansky's thesis that Veblen was part of the main stream of western thought, which ran in essentially negative ruts because it did not admit its metaphysical roots. From Descartes on, philosophers talked in abstractions divorced from reality, and Veblen, brought up on the tradition of Hume and Kant, could never understand the importance of metaphysics. Instead he wrote in the most extreme era of scientific materialism and expended his energy in exposing the metaphysical foundations of all previous and contemporary economists and denying their validity because of these foundations. This negativism, according to Professor Dobriansky, precluded Veblen from contributing to social science theory or to the science of economics.

The contradictions in Veblen's thought are related to the innate inadequacies of modern thought. Because of his own presuppositions, Professor Dobriansky cannot accept the explanation of these contradictions by men who, like R. V. Teggart, argue that Veblen returns to the absolutes of the Enlightenment.

For the uninitiated, it may be somewhat surprising to find toward the end of the book that the modern and therefore nominalistic Veblen transcended to a degree the weaknesses of Western thought to think in terms of theoretic categories; that indeed Professor Dobriansky likes him because he transcends modern economics to realize that economic life is part of a larger society. We also learn that Veblen was an enemy of dictatorship and that, while he leaned toward an "idealist anarchy" directed by "technocrats," evidently his writings should inspire us to accept "a pluralistic society of autonomous organic entities as the only alternative to totalitarian organization."

Finally, the ironic Veblen might also be surprised to learn about his system that "its contributions of truth have entered into the ever-expanding consciousness of our thoughts, so that in the perennialist spirit American Veblenism will always have occasion to express itself, and for the good of the whole body of social thought."—DAVID W. NOBLE, *University of Minnesota.*

Democracy and Catholicism in America. BY CURRIN V. SHIELDS. (New York, Toronto, London: McGraw-Hill Book Company. 1958. Pp. ix, 310. $5.00.)

The publisher of this volume suggests that it is "an answer to Paul Blanshard." Its author hopes that he "will set straight the thinking of some thoughtful Americans at least about the relationship between Catholicism and Democracy" (p. vi). The publisher's billing is unfortunate. Mr. Shields is wholly unconcerned with and, one must gather, very little interested in the kind of thing that Blanshard attacked, the sociology of the Catholic Church as a social fact in America, its political influence, educational practices, hospitals, parish activities, etc. Mr. Shields is concerned, rather, as his title if not his hope clearly indicates, with Catholicism as an ideology and his thesis is solely that there is no logical incompatibility between that ideology and American democracy.

However, there cannot be much satisfaction with the manner and method Mr. Shields adopts to sustain his thesis. This is also unfortunate, for Mr. Shields displays a rare and genuine concern for the problems of political philosophy as such and is well informed about Catholic history, institutions, and doctrine.

In part, the book suffers from its style. It aims at the general reader, members of the Westside Civic Improvement League, who, we are told, "assume that the doctrine of concurrent majorities must have something to do with parental supervision of teenage dating" (p. iv). One result of this aim is a kind of occasional folksiness which readers not in the League may find irritating. More seriously, it leads to a certain looseness of technique, which makes unambiguous understanding of the very many generalities in this book difficult.

Substantively, Mr. Shields wins too many of his arguments by judicious definition. He begins, in effect, with the familiar declaration that "Catholic dogma does not concern political matters" (p. 70). The argument, however, proceeds. It is admitted that there is a body of Catholic philosophy that, while beyond the strict bounds of orthodoxy, is yet characteristically Catholic. But once again judicious distinction makes possible the avoidance of awkward issues. Catholicism draws a sharp line between civil and ecclesiastical theories of authority: "Nothing in Catholic teaching requires—or even suggests—that the system of rule used in the Church has any application for civil rule" (p. 182). So all we have to worry about is Catholic political theory strictly defined and here examination shows that "Catholicism in practice admits of many different political viewpoints but requires none in particular" (p. 131). Furthermore, it is to be doubted whether it was their Catholicism that made Franco, etc., what they are. And of the undoubtedly *Catholic* Catholic movements, one of the most controversial, the internationally organized Catholic Action, has "no particular political coloration at all" (p. 115). The only question, therefore, that remains is whether the democratically inclined Catholics, of whom there are quite a number like the Christian Democrats of Europe, are in any way ideologically excluded from sharing the precepts of American democracy.

The argument here is immeasurably helped by an extraordinarily narrow definition of American democracy: it is merely the procedure arising out of belief in popular sovereignty, political equality, and majority rule. ("Examples of violations of Democratic Principles in the decision making process used in the three branches of the [national] government are too numerous to mention": p. 62). Three chapters are required to show that a Christian Democrat is not precluded by his Catholicism from abiding by these principles within the political limits of the political process. Meanwhile, the question whether Catholicism, as a religious, institutional, social way of life, is generally compatible with the American democratic tradition likewise regarded is not broached.

This line of argument is not improved by the fact that Mr. Shields, in defending his definition of democracy, feels impelled to separate it radically from the Liberal tradition and to lay down an unrestrained attack against Liberalism. But once again the definition is crucial: to Mr. Shields, Liberals are irreligious ("enlightened": p. 134), materialistic, individualistic, but, above all, at their very core élitist. Who, however, these Liberals may be, besides Locke, Alexander Hamilton, and Thoreau ("a darling of American Liberals": p. 154), is not specified.

Finally, it should be added, as a matter of some seriousness in issues as controversial as these, that Mr. Shields says he is not anti-Catholic. That much is obvious. He also says that he is not a Catholic, only, in the very narrow sense he uses, a democrat.—H. MARK ROELOFS, *New York University.*

Über Formulierung der Menschenrechte. BY GOTTFRIED DIETZE. (Berlin: Duncker and Humblot. 1956. Pp. 178. DM 14.60.)

This is a complicated attempt to provide guidance for constitution makers, especially in Germany, in the formulation of human rights. It distinguishes between systematic and linguistic formulation. The former is intended to organize rights in their order of importance, the latter to provide both legal exactness and ideological popularity. The author considers liberty and equality the two arch-rights (*Urrechte*) and tries to demonstrate that liberty should be mentioned at the beginning, equality at the end of the catalogue of basic rights. This must be done in conformity with three requirements: solemnity, superiority of the subject, suppleness of the predicate. Hence the first article of his catalogue: "*Die Freiheit ist ein dem Menschen angeborenes Recht.*" The last, thirteenth article reads: "All human beings are equal before the law." Between these *leges generales* come the *leges speciales. Leges speciales* are either of a general or a special type. They are: administration according to the rule of law; freedom of faith, conscience, and conviction; freedom of art, science, and instruction; secrecy of the mails; freedom of opinion and the press; freedom of assembly; freedom of association; inviolability of the home; and the right of asylum. The wording of three of these is quite long, and they contain exceptions: *e.g.*, for people who violate laws for the protection of youth. In his Preface, Mr. Dietze writes that he rejected such exceptions in an article in *Public Policy IV* (1953), because of the American tradition. But he overlooks a more important aspect of that tradition, and he ignores its English roots in the seventeenth century. This aspect is their negative formulation in the form of prohibitions on King, Parliament, Congress, or the States: "Congress shall make *no* law. . . . " "*No* State shall make or enforce any law. . . . " It is doubtful whether the beneficial consequences of this type of statement, which is related to the peculiarities of the Common Law, can be duplicated by the affirmative and universalistic formulation advocated in this book.—HERBERT J. SPIRO, *Harvard University.*

Edmund Burke and the Natural Law. BY PETER J. STANLIS. (Ann Arbor: University of Michigan Press. 1958. Pp. xiii, 311. $5.75.)

As the author himself admits, "there is little new in the general thesis of this book." If, however, the thesis is not new, it does not follow that it is either widely known or widely accepted. Herein lies the justification for this fine study in which Professor Stanlis establishes with incontrovertible evidence that Burke was not, as described by most writers of the past and present century, an enemy of the natural law and an apologist for expediency and utility, but rather an enemy of that system of "enlightened" thought that has so often been confused with the real natural law tradition embraced and defended by Burke.

Professor Stanlis begins his study by pointing up the vast difference between the natural law tradition of St. Thomas Aquinas and Hooker and the natural rights tradition of the contractarians—Hobbes, Locke, and Rousseau. Virtually all students of Burke have assessed correctly his rejection of and his alarm over the teachings of the latter group, but many of them have failed to understand the radical and revolutionary nature of these teachings. Because of this failure they have assumed that Burke's hostility to seventeeth and eighteenth century natural right was an hostility extending to the whole natural law tradition. An error of such magnitude could only be a consequence of a lack of knowledge of the older tradition and a resultant inability to understand that it was the principles of the natural law that informed Burke's position on the great questions of his day and gave to his political thought its unity and consistency. Such knowledge, for example, would have made clear immediately the consistency of Burke's defense of the American Revolution and his bitter denunciation of the Revolution in France.

This study, however, does more than simply show that Burke was in the natural law tradition. It restates the great principles of that tradition and shows their true utility. By the same token it is an eloquent critique of those currents in modern thought that, as Burke saw so clearly in the French Revolution, endanger the foundations of our civilization. Beyond this the study points up the fact that the principles of the natural law are never outdated, and that now as in Burke's age they are the only genuine guides to the solution or amelioration of our present discontents. Thus, if the general thesis of this study is not new, it cannot be stated too often, and one can hope that as often as it is stated it will be stated as well.—FRANK GRACE, *University of Michigan.*

Athenian Democracy. BY A. H. M. JONES. (New York: Frederick A. Praeger. 1958. Pp. 198. $5.00.)

Four of the articles collected in this volume were published elsewhere; a fifth article and an appendix are published here for the first time. All deal with the nature of Athenian democracy and interpretations of it. The author, who is Professor of Ancient History at the University of Cambridge, considering the economic basis of Athenian democracy, replies to the charges that Athenian democracy and culture were dependent upon slave labor and imperial tribute. He reconstructs Athenian democratic theory from the criticisms of its adversaries and from other supporting evidence. In the newly published last article, he describes the operation of Athenian democratic government. If Athenian democracy comes out well once more, this is not by virtue of easy generalizations but by virtue of the author's scholarly concentration on very specific and thoroughly documented detail.

The Long View and the Short: Studies in Economic Theory and Practice. BY JACOB VINER. (Glencoe, Ill.: The Free Press. 1958. Pp. vi, 462. $7.50.)

This volume consists of essays and reviews published in various places over a long period and selected by a group of friends for re-publication on the occasion of Professor Viner's sixty-fifth birthday. Political scientists who are not economists will be particularly interested in Part II of the collection, which contains, among other things, Viner's articles on "The Utility Concept in Value Theory and Its Critics," "Adam Smith and Laissez-Faire," "Power versus Plenty as Objectives of Foreign Policy in the Seventeenth and Eighteenth Centuries," and "Bentham and J. S. Mill: The Utilitarian Background." They will also read with pleasure and profit Professor Viner's presidential address to the American Economic Association on "The Short View and the Long in Economic Policy" and his "Modest Proposal for Some Stress on Scholarship in Graduate Training." This is not meant to imply that they will not be attracted by other articles and reviews in this volume, for, whatever the subject may be, Professor Viner writes with clarity, force, and charm.

Documents of Modern Political Thought. EDITED BY T. E. UTLEY AND J. STUART MACLURE. (New York: Cambridge University Press. 1957. Pp. ix, 276. $3.75.)

This collection of statements from modern political theories is deliberately modeled on Michael Oakeshott's *Social and Political Doctrines of Contemporary Europe,* although it is not entirely confined to Europe. Like Oakeshott's book of excerpts, it includes sections on representative democracy, communism, and Catholic political theory. A very brief statement by the editors on "Romantic authoritarianism" and a very brief document on *apartheid* stand in the place of Oakeshott's section on Fascism and National Socialism. There is added a brief section on "Protestant Political Thought." The sources are well chosen but, as with similar collections, the excerpts are often far too short to be anything other than suggestive of the arguments that support the doctrinal positions stated.

The Political Thought of Thomas Aquinas. BY THOMAS GILBY. (Chicago: University of Chicago Press. 1958. Pp. xxvi, 357. $5.00.)

In spite of the rather pretentious claim of the publishers that this is "the first complete account of Thomas Aquinas' contribution to the main stream of political philosophy," the book is essentially an *oeuvre de vulgarisation.* The aim of the author has apparently been to assimilate all the recent spate of work on medieval public law and the theory of the state, and to relate the doctrines of St. Thomas to that background. He is also much concerned to emphasize the perennial relevance of Thomistic thought, and there are very frequent topical allusions (in the index Lysenko, I., figures next to Lyons, Council of). The result is a lively, sometimes provocative study, which could make a good introduction to medieval political theory for an intelligent student. The specialist, however, will learn nothing new about St. Thomas. Nor will he find a really adequate survey of the recent work on the theory of the state, for the author is somewhat capricious in the literature he cites (there is no reference, *e.g.*, to any of the studies by Ernst Kantorowicz or Calasso or David).

New Frontiers of Knowledge: A Symposium of Distinguished Writers, Notable Scholars, and

Public Figures. (Washington, D.C.: Public Affairs Press. 1957. Pp. x, 125. $2.75.)

Thirty-six short essays "on the future of the world" are contained in this volume, which is based upon a series of broadcasts by the Voice of America. The unity in this multitude of tongues (from Jung to Walt Disney, Toynbee to Lee De Forest, Kagawa to Henry Luce) is summarized by Whitney Griswold as a "tipping of the scales in favor of hope," provided that "the human imagination" is not "inhibited by fear or shackled by dogma."

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NEWS AND NOTES

PROFESSIONAL CONFERENCES

The Thirty-fifth Annual Session of the Institute of World Affairs, sponsored by the University of Southern California in co-operation with the colleges and universities of the Pacific area, was held at the Huntington-Sheraton Hotel, Pasadena, California, December 7–10, 1958. The Institute of World Affairs is the oldest organization of this kind in the United States. This year's Session was under the directorship of Dr. J. William Robinson, chairman of the department of political science and international relations, Whittier College. The overall theme of the conference was "Agenda for American Action." Participants included: Myres S. McDougal, Sterling Professor of Law, Yale Law School, president, American Society of International Law; The Right Reverend James A. Pike, Bishop of California, Protestant Episcopal Church; Robert Strausz-Hupé, director, Foreign Policy Research Institute, University of Pennsylvania; Maxwell D. Taylor, General, Chief of Staff, United States Army; Raymond B. Allen, chancellor, University of California at Los Angeles; Hans J. Morgenthau, The Institute for Advanced Study, Princeton University, director, Center for the Study of American Foreign Policy, University of Chicago; Henry A. Kissinger, associate director, Center for International Affairs, Harvard University; George V. Allen, director, United States Information Agency; Arthur G. Coons, President, Occidental College; Paul S. Smith, president, Whittier College. Professor Paul E. Hadley, of the University of Southern California, is executive secretary of the Institute and Dr. Rufus B. von KleinSmid, Chancellor of the University of Southern California, is Chancellor of the Institute.

A "Conference on Democracy in the Mid-Twentieth Century," attended by 13 visiting scholars from major colleges and universities, was held at Washington University (St. Louis), May 22–23–24, 1958 under the auspices of the university's department of political science.

Purpose of the conference, which was made possible by a grant from James S. McDonnell, Jr., president of McDonnell Aircraft Corporation, was to examine the theoretical assumptions and problems of contemporary democracy and to consider what the university political scientist can do in his teaching, writing and other activities to communicate more effectively as a competent specialist to his students and to the public.

Papers given at the conference included "Some Assumptions of Political Democracy" (Hartz), "Democracy and Economic Structure" (Lindblom), "Group Representation in British and American Democracy" (Beer), "Democracy and Foreign Policy: A Prefatory Survey" (Epstein), and "Democracy and Leadership" (Pennock).

The central focus which emerged from the Conference discussions was twofold. First, the point was made that our picture or "image" of democracy is not entirely realistic in the Mid-Twentieth Century, and it follows from this that hard thinking toward a renewed, more realistic, viable democratic image is required. Second, attention was called to the fact that we need carefully concentrated study and research on the actual operations of the American and other democratic systems so that current political problems may be examined in more realistic terms.

Plans and arrangements for the Conference were made by a committee composed of William N. Chambers, committee chairman, and Thomas H. Eliot and Roy C. Macridis, all of the department of political science, Washington University. The conference recorder was Robert H. Salisbury, of Washington University.

The Council of the International Federation for Housing and Planning will meet 6–9 September, 1959, at Perugia, on the invitation of its Italian vice-president, Mr. Olivetti. The theme for discussion will be Housing for the Lowest-Income Families. The Council includes delegates of member organizations and of individual members; its meetings attract about 150. Details about participation from the U. S. from Dennis O'Harrow, ASPO, 1313 East 60 Street, Chicago 37.

The fourteenth Congress of the International Union of Local Authorities is scheduled to be held 18–23 June, 1959, in West Berlin. The theme is social services of the municipality. The thirteenth Congress attracted nearly 1,000 officials and students of municipal affairs from nearly 40 countries. This is an open Congress. Details from Orin F. Nolting, ICMA, 1313 East 60 Street, Chicago 37.

The International Institute of Administrative Sciences will hold its eleventh Congress in Wiesbaden, German Federal Republic, 29 August–3 September, 1959. Themes include: The Structure and Function of the Ministry of Finance; Devolution of Powers to Autonomous Bodies, particularly the professions and the universities; Better Motivation of the Civil Servant (incentive, awards, staff participation); Automation and the Public Service, the Human Problems. The Congress should attract more than 500 officials and professors from over 30 universities. It is an open meeting. Details from Robert J. M. Matteson, American Society for Public Administration, 6942 So. Kimbark Ave., Chicago 37.

The third annual Institute in State and Local Government was held at Drake University, July 21–August 8, 1958, with an enrollment of 46. The program was under the joint direction of A. LeRoy Bennett and William I. Matthews of the Drake University political science department. Class time of three hours daily was divided approximately equally between regular classroom sessions and panel discussions of current problems of state and local government, with special emphasis upon Iowa.

Participants in the program included Governor Herschel Loveless and thirteen other public officials, five members of the political science faculties of other Iowa colleges and universities, nine faculty members from various departments at Drake University, four newspaper editors and writers, and five representatives of interest groups. Extensive newspaper and television coverage of the panel sessions was indicative of the high degree of public interest in the program.

The department of political science at Goucher College, in conjunction with the economics and history departments, held a symposium entitled, "The Congressional Elections of 1958," on 11 and 12 November 1958. Participants included: Elmo Roper; Earl Latham, Amherst College; George Soule, Washington College; Richard Strout, *Christian Science Monitor;* William Welsh, Democratic National Committee; Philip Wilder, Republican National Committee; James McDevitt, COPE; John Gosnell, National Small Businessmen's Association: Mrs. John Latimer, National League of Women Voters, and Ernest Baugh, Baltimore *Sun*.

A regional Conference on Asian Affairs was held at the University of Missouri on October 17–18, 1958. Present were representatives of all major universities between the Rockies and the Appalachians. This was the fourth such meeting and by far the largest. About 150 Asian specialists attended.

The department of political science of the University of Missouri, in conjunction with the State Committee on Legislative Research, sponsored a conference on legislative procedures for newly elected members of the state legislature on December 1–2, 1958, in Columbia. About seventy legislators attended. A similar conference was held in December of 1956.

The Woodrow Wilson Department of Foreign Affairs of the University of Virginia held a conference on the general topic: "United States Policies Toward Latin America" in celebration of The James Monroe Bicentennial, December 5–7, 1958. Among the participants were Herbert L. Mattews of the New York *Times;* Robert J. Alexander, professor of economics at Rutgers University; Merwin L. Bohan, former U.S. commercial attaché in various Latin American capitals; Wendell C. Gordon, professor of economics at the University of Texas; Alexandre Kafka, United Nations Secretariat; William Manger, Assistant Secretary General of the Organization of American States; Gerhard Masur, professor of history and chairman of History Department, Sweet Briar College; Virgil Salera, professor of economics at American University.

Tulane University, in cooperation with the American Assembly of Columbia University, will hold its fourth Southern Assembly at Biloxi, Mississippi on January 15–18. The topic for discussion is "The United States and Africa." The director of the Southern Assembly is Vaughan Howard, chairman of the department of political science.

More than two-thirds of the 150 members of the Indiana General Assembly attended a pre-legislative conference on the campus of Indiana University on November 13–15, 1958. The conference was called by Governor Harold W. Handley and planned by a committee composed of two members of the State Senate, two members of the House of Representatives, the state budget director, and members of the department of government at Indiana University. York Willbern served as director of the conference. A grant from the Ford Foundation provided funds for some of the conference expenses.

On October 2–4, 1958, the department of government at Indiana University in cooperation with the American Assembly of Columbia University was host to the first Central States Assembly, which discussed "Foreign Economic Policy and Competitive Coexistence."

The sessions, which drew participants from many fields of interest (including law, labor, business, civic affairs, and agriculture), followed the general pattern of other regional assemblies which have been held in cooperation with the American Assembly at Columbia University. Five states—Ohio, Michigan, Kentucky, Indiana, and Illinois—were represented.

Several colleges in the Philadelphia area are participating in the plans for a scholarly meeting to commemorate the hundredth anniversary of the death of Alexis de Tocqueville. The scheduled date is the 13th and 14th of April, 1959. On the afternoon of the 13th, Session (A) ("Was Tocqueville an historian or a sociologist?") will take place at Chestnut Hill College. On the morning of the 14th, Session (B) ("Was Tocqueville a conservative or a liberal?") will be held on the campus of Villanova University, and in the afternoon the last session (C) ("Was Tocqueville a Catholic?") at La Salle College. On the same day, a luncheon session will be held at St. Joseph's College. Inquiries should be directed to Professor J. A. Lukacs, Williams' Corner, R.D. 2, Phoenixville, Pennsylvania.

OTHER ACTIVITIES

Since the Roper Public Opinion Research Center was established at Williams College on July 1, 1957, forty-two additional university and commercial survey research organizations, both American and foreign, have decided to place the raw data of their past and current studies at the Center. The Center's operating staff has been increased from three to ten, and George Gallup, Clyde Hart, James A. Linen, III, and Elmo C. Wilson have been added to the Board of Trustees.

During the past year, the Center has started two subscription services. Interested and accredited individuals and institutions may now purchase annual subscriptions to the item index and authorized data releases developed by the Center.

President Hurst R. Anderson of The American University, Washington, D.C. has announced the establishment of a center for technology and administration studies in the school of government and public administration. Dean Catheryn Seckler-Hudson has designated Professor Lowell H. Hattery as director of the center.

The Program of the Center will be an expansion of activities already under way in the school of government and public administration. Full-time and part-time faculty research will be encouraged and supported, as will graduate training and research. A specialized collection of reference materials on the subject will be expanded, and publications on the subject contemplated.

Short-term training institutes will be added to those in administration of scientific research, attitude surveying, and electronics in management which are already conducted by the School.

Queens College, Flushing, New York, has been awarded a grant by the Coe Foundation for a lecture series during the Spring semester under the title of: "The Challenge of Communism to America." The grant is being coordinated by Dr. Mary Earhart Dillon, professor of political science. Lecturers have included George S. Counts, W. W. Kulski, Alexander Korol, Adolph A. Berle, Jr., Felix Morley and Willmoore Kendall.

Fordham University's Millar Lectures were given this year by Edward S. Mason of Harvard, on "Government and Business in Economic Development."

Los Angeles State College has launched a new and interesting project in the field of international communication by establishing a Library-Museum for Southeast Asia, on its Los Angeles campus. The Library-Museum will contain thousands of volumes in the English, German, French, and Russian languages in the fields of anthropology, sociology, politics, art, literature, science, technology, travel, etc., and several thousands of stills, numerous motion pictures, artifacts, etc. to make it perhaps the most complete Library-Museum of its kind on the West Coast. The College received a grant of $250,000 from the Mary Reynolds-Babcock Foundation to "initiate" the project. A team of three persons are presently in West Pakistan on behalf of the International Communications Foundation—an independent Foundation headed by a former Los Angeles State College student, Lawrence van Mourick, whose original idea it was to create such a Library-Museum. The Library-Museum had an exhibit at the last APSA convention at St. Louis.

The Gaspar G. Bacon Lectures at Boston University were given this year by Charles P. Curtis. His topic was "A Natural Law for Today and The Supreme Court as Its Prophet."

The governmental research bureau of Michigan State University was recently renamed the bureau of social and political research. As newly constituted, the bureau will put its primary efforts into basic research on political processes. It will also function as a center for graduate training in research methods. Frank A. Pinner was appointed director of the bureau.

Grants in aid of scientific research are available from several endowment funds held for this purpose by the American Academy of Arts and Sciences. Work in any field that may properly be called scientific is eligible for this support, including the social sciences.

In general the several Fund Committees favor the support of individuals over that of organizations. Special consideration will be given to projects on new frontiers of science, those which lie between or include two or more of the classical fields, and those proposed by investigators who may be on the threshold of investigational careers or are handicapped by inadequate resources and facilities. The Committees have in general considered the providing of assistance for laboratory or field observations as more important than providing for bibliographic search, the preparation of manuscripts for publication, or other operations that are handled routinely in most institutions. The Committees do not ordinarily approve grants for research the results of which constitute partial fulfillment of requirements for an academic degree nor do they approve the purchase of non-expendable equipment usually to be expected in an institutional laboratory.

Although grants-in-aid normally do not exceed $1,500, requests for substantially larger amounts for especially meritorious projects would be considered. Most grants range between $500 and $1,500. Applications must be filed in duplicate on forms obtainable on request from the Academy office, not later than February 1 and September 1, and will be processed in order of receipt. Address: Chairman, Committees on Research Funds, American Academy of Arts and Sciences, 280 Newton Street, Brookline 46, Massachusetts, U.S.A.

Under the intercultural agreement of 1958 between the United States and the U.S.S.R., the Inter-University Committee on Travel Grants, 409 West 117th Street, New York 27, N. Y., was asked to administer a program of academic exchange of advanced graduate students for the academic year 1958–1959. During the past year the Committee has sent to the Soviet Union twenty-two American graduate students, two of them accompanied by their wives. Seventeen Soviet students are here in exchange, studying at the University of California, the University of Chicago, Columbia University, Harvard University, and the University of Washington. The Committee has announced a second exchange program for the academic year 1959–1960 at the approximate level of 30 graduate students from each country. The Americans will again be selected from applicants who are (1) now engaged in graduate study as candidates for an advanced degree in one of the sciences, the social sciences, the humanites or related professional fields (preference will be given to students whose graduate course work and general oral examinations or their equivalent will have been completed by the end of this academic year); (2) proficient in the Russian language, both written and oral; (3) American citizens; (4) not over 38 years of age; and (5) unmarried, or willing to be separated from their families during the academic year abroad, if that proves inescapable. Foreign student couples with children cannot yet be accommodated in the Soviet Union, so far as is known; quarters for student couples without children do exist, however. The Committee will again seek to secure such accommodations for childless student couples but cannot guarantee that this will be accomplished for any. When separate maintenance of student families is necessary, the Committee's financial provisions help make possible at least one family visit during the course of the year.

When selection has been completed the Committee will provide each student the funds necessary for his participation in this exchange, via his own university which must agree to sponsor him, and taking into account the student's own financial resources. In one way or another, the following will be provided: tuition, maintenance, and related expenses in the Soviet Union; travel and travel-related expenses; summer language study where necessary; and maintenance of dependents where necessary. Exact figures for each of the above will be set later, after the Americans now in the Soviet Union have reported on their experience during the year 1958–1959.

Completed applications were due to be received by the Inter-University Committee by March 31, 1959. Announcement of the final selections will be made before the end of this academic year.

APPOINTMENTS AND STAFF CHANGES

Yaroslav Bilinsky has been appointed instructor in political science at Douglass College, Rutgers University.

John C. Bollens has been appointed program director for urban studies at U.C.L.A.'s bureau of governmental research. He has been granted a one-semester leave from the department to resume his work as executive director of the Metropolitan Community Studies, Inc., Dayton, Ohio.

Lawrence H. Chamberlain, who resigned as dean of Columbia College in June, 1958, has been named Joseph L. Buttenwieser professor of human relations and will resume his teaching in the department of public law in September, 1959.

Alfred B. Clubok, formerly of the University of Michigan, has accepted an appointment in the department of political science at the University of Florida.

Patrick J. Conklin, formerly of the University of Michigan, has been appointed assistant professor of political science at the University of Tulsa.

Richard W. Cottam, formerly with the Department of State, has joined the department of political science, University of Pittsburgh, as an assistant professor.

Robert A. Dahl has been appointed chairman of the department of political science, Yale University, for a three-year period.

Karl W. Deutsch, formerly at the Massachusetts Institute of Technology, has been appointed professor of political science at Yale University.

Richard Drake has been appointed acting head of the department of history and political science at Berea College.

Eugene Dvorin, who for the past several years has been research assistant in the bureau of government research at UCLA, has joined the department of government at Los Angeles State College as assistant professor in public administration.

Stephen T. Early, Jr., has been promoted to the rank of associate professor in the department of political science at DePauw University.

Ralph Eisenberg formerly of Princeton University and the New Jersey State Legislative Services Commission has been appointed assistant professor in the department of political science and bureau of public administration, University of South Carolina.

James W. Fesler, Alfred Cowles professor of government at Yale University, has been appointed editor-in-chief of the *Public Administration Review.*

Lawrence H. Fuchs has been promoted to associate professor of politics at Brandeis University. He has been awarded a research grant by the Social Science Research Council. Professor Fuchs will spend 1958–59 in Hawaii examining the political behavior of this multiethnic community.

William R. Gable, research associate in the University of Michigan's institute of public administration, has been appointed executive secretary of the Metropolitan Problems Study Commission appointed by Governor G. Mennen Williams.

Gilbert Frank Gilchrist, of the department of political science of the University of the South, has been advanced to associate professor of political science.

Edward A. Goernew has been appointed an instructor in the department of political science at Yale University.

Fred I. Greenstein has been appointed to the department of political science at Yale University to teach in the program of directed studies.

Brigen K. Gupta has been appointed lecturer in the department of government at Southern Illinois University.

Joseph Hamburger has been promoted to an assistant professor of political science at Yale University.

Richard H. Hedrich has been appointed as an instructor on the staff of the department of government and politics at the University of Maryland for the spring semester of 1959.

Stanley Hopper is beginning his second year with Los Angeles State College, while completing his Ph.D. at Harvard.

John P. Hummon, formerly of the University of Michigan, has accepted a position with the Department of the Navy.

Morton A. Kaplan of the University of Chicago has been appointed chairman of the committee on international relations at the University of Chicago.

Herbert Kaufman has been promoted to associate professor of political science at Yale University.

Norman Kogan has been promoted to associate professor of government and international relations at the University of Connecticut, Storrs, Connecticut.

Robert E. Lane, associate professor of political science at Yale University, has been appointed director of graduate studies.

Robert Langer, visiting professor of political science and international relations at Queens College for a number of years, retires in June.

Shirley J. Lehmann is now an instructor in political science at Vassar College.

George A. Malley has been appointed an instructor in political science at Yale University for the academic year 1958–59.

Albert B. Martin, chairman of the departmental committee of the department of political science, University of Pittsburgh, has been appointed associate dean of the school of liberal arts. Chairmanship of the departmental committee has been assumed by Holbert N. Carroll.

Geoffrey J. Martin has been appointed instructor in the department of government, University of Miami.

Albert A. Mavrinac, formerly lecturer on government at Harvard University, has been appointed full professor of history and government at Colby College and chairman of the department. During the academic year 1958–59 he is on leave to serve as Fulbright Professor at the Universities of Rennes and Montepelier, France, where he is lecturing on American politics.

Jack Misner is the new chairman of the department of government at Los Angeles State College.

Robert M. Northrop, formerly of Allegheny College, has been appointed an assistant professor at Rutgers University.

Vincent Ostrom has been appointed program director for policy studies at U.C.L.A.'s bureau of governmental research.

Norman D. Palmer, University of Pennsylvania, visited Pakistan in August and September, 1958, on an inspection trip to review the work being carried on at the institute of public and business administration in Karachi, which the University of Pennsylvania is helping to establish under a contract with the International Cooperation Administration. Professor Palmer is coordinator of the Karachi Project.

Addison Potter and Jack Misner of Los Angeles State College were promoted to associate professors of government.

Geddes W. Rutherford has been promoted to the rank of associate professor of political science.

Milton Sacks has been promoted to assistant professor of politics at Brandeis University.

Karl Schmitt, formerly of the Division of Research for the American Republics, Department of State, has accepted an appointment as assistant professor of government at The University of Texas.

Irving P. Schwartz has been appointed as a lecturer in political science at Queens College. Dr. Schwartz is also a member of the president's staff at Queens.

Bert A. Smith has been appointed assistant to the director of the bureau of government research at the University of Missouri.

Hoke L. Smith, who received the Ph.D. degree from Emory University in June 1958, has been appointed an assistant professor in the political science department at Hiram College, Hiram, Ohio.

Frederick C. Spiegel has been promoted to the rank of assistant professor at the University of Missouri.

Gilbert Y. Steiner has been appointed director of the institute of government and public affairs at the University of Illinois.

Robert S. Sullivant, who has been connected with the research project of Georgetown University, joined the staff of the political science department at DePauw University at the beginning of the second semester.

John P. Vloyantes of the department of

political science at Pacific University has been promoted to the rank of associate professor.

William R. Willoughby has been promoted to full professor at St. Lawrence University.

James Wilson has joined the department of government of Bowdoin College as instructor. He will also have charge of the bureau for research in municipal government.

Raymond E. Wolfinger has been appointed to the department of political science at Yale University to teach in the program of directed studies.

Peter Woll has received his doctoral degree from Cornell and has accepted an appointment as instructor in the department of political science at U.C.L.A. He is to be secretary of the committee on master of public administration degree program.

Frank Wray of Berea College has been promoted to associate professor.

Victor Zitta, formerly of the University of Michigan, has accepted an appointment at Gonzaga College.

Robert Zuckerman, formerly associate editor of the *Chronicle of United Nations Activities*, has been appointed assistant professor of government, University of Miami.

Stephen K. Bailey of Princeton University was appointed a visiting professor at the University of Pennsylvania for the academic year 1958–59.

Leonard Binder of U.C.L.A. is in Iran studying religious groups on a grant from the Social Science Research Council.

Thompson Black, Jr. is serving as acting chairman of the division of social science at Los Angeles State College, where he is associate professor of government.

Henry L. Bretton, associate professor of political science at the University of Michigan, has received a grant from the Faculty Research Fund to enable him to visit Nigeria during the summer of 1959.

Henry C. Bush has accepted an assignment with the International Cooperations Administration as public administration adviser to the Ministry of Home Affairs of the Republic of Indonesia. He will be located in Malang with Djakarta as his official address.

Paul Camp, adjunct professor in the school of government and public administration of The American University received the Merit Citation for 1958 from the National Civil Service League in recognition of an outstanding career in the public service.

David T. Cattell has been granted one-half year sabbatical leave from the department of political science at U.C.L.A. in order to accept a grant from the Social Science Research Council. He will pursue research in Finland and elsewhere in Europe on the topic: The Soviet Union and International Law.

C. W. Cassinelli, of Whitman College, is visiting associate professor of political science at the University of Wisconsin during the current academic year.

David A. Cayer served as a lecturer in political science, Rutgers University, during the first semseter, 1958–59.

Miss Dorothy I. Cline, assistant professor of government at the University of New Mexico, on November 4, 1958 was elected County Commissioner of Bernalillo County. This County includes the city of Albuquerque. Because Miss Cline received the highest number of votes, she will become the Chairman of Commissioners. She is the first woman to hold this office in New Mexico.

Robert Clute, formerly of Duke University, is serving as visiting assistant professor at Tulane this year.

James S. Coleman of U.C.L.A. participated in a meeting of the Comparative Politics Committee of the Social Science Research Council in New York on 15 November. He also participated in a meeting of the Senior Staff of the Human Environments in Central Africa Project of the National Academy of Sciences in Washington, D.C., 24–26 November.

Thomas I. Cook, of the Johns Hopkins University, has been appointed visiting professor of government at Columbia for the spring session, 1959.

Cornelius P. Cotter, Stanford University, has been awarded a National Committee Faculty Fellowship and will serve as special consultant to the chairman of the Republican National Committee. This is a one-year fellowship (January–December, 1959) sponsored by the Citizenship Clearing House and the National Committees of both political parties.

David J. Dallin has been appointed a visiting professor for 1958–59 at the University of Pennsylvania.

Marcus Daly, lecturer in political science at

Fordham University, has been named chairman of the intergovernmental committee for European Migration.

Bernard N. Darbyshire of the University of Geneva has served as visiting lecturer in government at The University of Texas during the fall semester 1958–59. Mr. Darbyshire is a student and consultant in the field of oil and atomic energy economics.

Alfred deGrazia, formerly of Stanford University, offered a seminar in comparative government at Rutgers University during the first semester, 1958–59.

Alfred Diamant of the University of Florida is visiting associate professor in the department of political science at Yale University for the academic year 1958–59.

Raymond S. Dodds, Inspector for the Public Service Board, New South Wales, Australia, is spending the academic year at the University of Illinois as research associate. He is studying comparative state administrative techniques in his country and the United States.

Paul Dolan, held a summer fellowship in social gerontology at the University of Connecticut under auspices of the University of Michigan.

Chester B. Earle of the school of government and public administration of The American University served during the summer, 1958, as consultant on the social and economic costs of air pollution for the Department of Health, Education, and Welfare.

Murray Edelman will be on leave from the University of Illinois during the spring semester in order to teach at the University of Texas.

Henry W. Ehrmann of the University of Colorado on sabbatical leave for 1958–59, taught under the auspices of the Fulbright program at the Nice Center for Juridical Studies of the University of Aix-en-Provence. Currently he is lecturing at the Institutes of Politics of the Universities of Bordeaux, Grenoble, and Paris.

Ernest A. Engelbert is serving as director for Revision of the California State Education Code. This project is being undertaken by the bureau of governmental research in cooperation with professors of law, education and public administration from seven California universities and colleges.

Bernard D. Fall, associate professor in the department of government, Howard University, attended the 13th Conference of Pacific Institutes at Lahore (Pakistan) as a member of the French Center of Foreign Policy Studies in February 1958. Dr. Fall was elected local arrangements chairman for the annual meeting of the Association of Asian Studies, to be held in Washington, D.C., in April 1959.

Glenn Fischer of North Dakota State Agricultural College is visiting assistant professor of government and public affairs at the University of Illinois this year, while studying financial problems of the state of Illinois.

Manuel R. Garcia-Mora, professor of law at the University of Detroit has been awarded a Fulbright lectureship at the University of San Marcos, Lima, Peru from June, 1959, to January, 1960.

Thomas W. Gill has been appointed lecturer in the school of government and public administration of The American University.

John Gillespie of Tulane University is on leave of absence to serve this year as executive secretary of the Duke Commonwealth Studies Center.

Moris A. Greene, professorial lecturer in the school of government and public administration of The American University participated in 1958 in the United Nations Consultative Committee on Administrative Questions.

Harry S. Hall is teaching in the political science department of Temple University during the year 1958–59.

Paul Y. Hammond, assistant professor of political science at Yale University, is on leave of absence for the academic year 1958–59.

Ervin P. Hexner, recently retired from the International Monetary Fund, is a visiting professor at the Pennsylvania State University.

Henry M. Holland, from the University of Washington, is teaching at the Pennsylvania State University.

Charles A. Hollister has been granted an extension of his leave of absence for one more year to be assistant research director, bureau of municipalities, department of internal affairs, at Harrisburg, Pa.

John Perry Horlacher, University of Pennsylvania, served as chairman of the National Assembly on Mental Health Education which was held at Cornell University in September and addressed the annual convention of the

National Association for Mental Health held at Kansas City in November.

John A. Houston of Knox College will serve as visiting professor of political science at the University of Michigan during the summer of 1959.

C. Herschel Jones has been granted a two-year leave of absence to be coordinator, Intern-Trainee Program, New York Department of Civil Service, Albany, New York.

Willmoore Kendall, associate professor of political science at Yale University, is on leave of absence for the academic year 1958–59, and is teaching at Stanford University.

Richard H. Kennington has been appointed visiting lecturer of the graduate faculty of the New School for Social Research, New York for 1958–59. He is lecturing in the political science and in the philosophy departments.

Magid Khadduri is visiting professor of government at Columbia for the academic year 1958–59.

Marshall Knappen is visiting professor in political science at the University of Delaware during the academic year 1958–59.

Lord Lindsay of Birker of the Australian National University has been appointed visiting lecturer of political science at Yale University for the first term of 1958–59.

Henry Mason, associate professor of political science at Tulane University, has a Fulbright lectureship for 1958–59 at the University of Innsbruck, Austria.

Neil A. McDonald, Douglass College, Rutgers University, was recently elected president of the municipal council of Edison Township, New Jersey.

Dean McHenry of U.C.L.A. has been granted partial leave from the department to accept an appointment as academic assistant to the president of the University of California.

Robert T. McKenzie of the London School of Economics is visiting lecturer of political science at Yale University for the first term of the academic year 1958–59.

Eugene J. Meehan is a lecturer in political science at Rutgers University for the year 1958–59.

Robert Neumann has been appointed acting director of the institute of international and foreign studies at the University of California, Los Angeles.

Robert E. Osgood of the University of Chicago is on leave from the University from April through June, 1959, as NATO visiting professor at the University of Manchester in Manchester, England.

Don Peretz, a political writer on the Middle East, is teaching a course on the Middle East at Vassar College during the second semester of the current academic year.

Miss Frances Perkins, former Secretary of Labor, spent two months on the campus of the University of Illinois as George A. Miller visiting professor, sponsored by the department of political science, the institutes of labor and industrial relations and of government and public affairs, as well as by the college of law and the school of social work. She conducted a series of seminars and offered a number of public discussions on politics, politicians and public policy questions.

Paul J. Piccard of The Florida State University has accepted an appointment as visiting associate professor at the University of California, Los Angeles for the second semester, 1958–59.

Roy Pierce, assistant professor of political science at the University of Michigan, will teach in the department of public law and government of Columbia University during the summer of 1959.

Pitman Potter, professor emeritus of international law at American University has returned to Geneva to carry on research, writing and lecturing. Mrs. Potter is an economic officer at the United States Consulate.

Lucian W. Pye, assistant professor of political science at the Massachusetts Institute of Technology, has been appointed visiting lecturer of political science at Yale University for the second term of 1958–59.

Leo C. Riethmayer, professor of political science and director of the graduate program in public administration at the University of Colorado, and mayor of the City of Boulder, has been elected president for 1959 of the Denver Chapter of the American Society for Public Administration.

Fred W. Riggs, associate professor of government at Indiana University, has joined the faculty of the institute of public administration, University of the Philippines, for the academic year 1958–59 as a visiting professor, under the institute's grant from the Rockefeller Foundation. He arrived in June, after a year in Thailand studying Thai politics and administration under a research grant from the Social Science Research Council Committee on Comparative Politics.

John P. Roche, professor of politics and chairman of the department of politics at Brandeis University, has been appointed dean of the faculty for 1958–59.

Landon G. Rockwell of Hamilton College is serving as visiting lecturer in government at The University of Texas during the spring semester.

David N. Rowe, professor of political science at Yale University is the recipient of the Ford Rotating Research Professorship for the year 1958–59. He is studying the impact of American economic policies on agrarian areas, using Taiwan as a case study.

Benjamin Schoenfeld is on leave from Temple University during the academic year 1958–59 as a Fulbright professor of political science at the University of Kerala, Trivandrum, Kerala, South India. He is also lecturing at the Law School at Cochin.

Catheryn Seckler-Hudson and Charles H. Goodman of the school of government and public administration of The American University presented papers at the Tenth Conference on Personnel Management for Executives in Washington, D.C.—October 27—November 7, 1958. Dean Seckler-Hudson spoke on "Problems of Delegation in a Large Organization," and Professor Goodman's topic was "Human Relations in Management."

J. David Singer, visiting assistant professor of political science at the University of Michigan, has received a grant from the Phoenix Memorial Fund to study post World War II disarmament negotiations.

Carl O. Smith has been named second vice-chairman of the Detroit Metropolitan Regional Planning Commission.

Norman Stamps of Rutgers has accepted an appointment as visiting associate professor of political science at the University of California, Los Angeles, for the fall semester.

Paul G. Steinbicker, director of the department of government at St. Louis University, was elected president of the Missouri Political Science Association at its annual meeting at Central Missouri State College, Warrensburg, Missouri, on October 31.

Ronald M. Stout has resumed his teaching responsibilities at Colgate University after having been on leave for two years serving as Coordinator of the Intern-Trainee Program administered by the New York State Department of Civil Service.

James D. Teller, adjunct professor in the school of government and public administration, The American University, served this year as chairman, United States Delegation, Working Party of Technical Experts on the NATO Air Forces Personnel Classification System, in London, and as consultant to the French Air Force on personnel classification systems.

Raymond Uhl has returned to the University of Minnesota for a second year as visiting professor of political science.

Frederick M. Watkins of Yale was visiting professor of government at Columbia during the Fall Term.

Norman Wengert, of the University of Maryland, will be on leave of absence in the spring semester in order to serve as guest professor at Cornell University; in the summer he will be undertaking a research program with the assistance of a grant from the General Research Board of the University of Maryland.

Jay Westcott of Syracuse University will serve as visiting professor of political science at the University of Michigan during the summer of 1959.

Howard B. White, professor of political science of the Graduate Faculty of the New School of Social Research, New York, has been given a leave of absence for 1958–59. He is doing research work on "The Political Philosophy of Shakespeare" under a grant from the Rockefeller Foundation.

Francis G. Wilson will be on leave from the University of Illinois during the spring semester to teach at Notre Dame University.

Stanley J. Zyzniewski, returned in January after spending four months as a visiting research fellow at Warsaw University, continuing his research into 19th century Russo-Polish relations.

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